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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 20 जून, 2020

का.आ. 750.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री नटराजन चन्द्रसेकरन (जन्म तिथि: 2.6.1963) को दिनांक 3.3.2020 से दो वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में अंशकालिक गैर-सरकारी निदेशक के पद पर पुनः नामित करती है।

[फा. सं. 1/1/2020—बीओ-I]

एस. आर. मेहर, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 20th June, 2020

S.O. 750.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby re-nominates Shri Natarajan Chandrasekaran (DOB: 2.6.1963) as part-time non-official Director on the Central Board of Reserve Bank of India for a further period of two years beyond 3.3.2020, or until further orders, whichever is earlier.

[F. No. 1/1/2020-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 30 जून, 2020

का.आ. 751.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यूनियन बैंक आफ इंडिया के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी, श्री राजकिरण राय जी. का कार्यकाल उनके वर्तमान अधिसूचित कार्यकाल, जो दिनांक 30.6.2020 को समाप्त होता है, से उनकी अधिवर्षिता की तारीख, अर्थात् 31.5.2022 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 4/4/2017-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 30th June, 2020

S.O. 751.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby extends the term of Shri Rajkiran Rai G., Managing Director and Chief Executive Officer, Union Bank of India for a period beyond his currently notified term which expires on 30.6.2020, till the date of his superannuation, i.e., 31.5.2022, or until further orders, whichever is earlier.

[F. No. 4/4/2017-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 13 जुलाई, 2020

का.आ. 752.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा (2) के खंड (ii) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री हर्ष कुमार भानवाला के स्थान पर श्री गोविंद राजुलू चिंताला, अध्यक्ष, राष्ट्रीय कृषि और ग्रामीण विकास बैंक को उनके नामांकन की अधिसूचना की तारीख से दिनांक 31.7.2022 तक की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, निक्षेप बीमा और प्रत्यय गारंटी निगम के निदेशक मंडल में निदेशक नामित करती है।

[फा. सं. 6/13/2012-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 13th July, 2020

S.O. 752.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 6 read with clause (ii) of sub-section (2) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), Central Government hereby nominates Shri Govinda Rajulu Chintala, Chairman, National Bank for Agriculture and Rural Development as a Director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation for a period up to 31.7.2022, from the date of notification of his nomination or until further orders, whichever is earlier, *vice* Shri Harsh Kumar Bhanwala.

[F. No. 6/13/2012-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 23 जुलाई, 2020

का.आ. 753.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय स्टेट बैंक के उप-प्रबंध निदेशक श्री पार्थ प्रतिम सेनगुप्ता (जन्म तिथि 7.12.1962) को पदभार ग्रहण करने की तारीख से उनकी अधिवर्षिता की आयु प्राप्त करने की तारीख (अर्थात् 31.12.2022) तक अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/2/2020-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 23rd July, 2020

S.O. 753.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby appoints Shri Partha Pratim Sengupta (date of birth: 7.12.1962), Deputy Managing Director, State Bank of India as Managing Director and Chief Executive Officer in Indian Overseas Bank with effect from the date of assumption of office and up to the date of his attaining the age of superannuation (*i.e.*, 31.12.2022), or until further orders, whichever is earlier.

[F. No. 4/2/2020-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 27 जुलाई, 2020

का.आ. 754.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, एतद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबंध केनरा बैंक पर लागू नहीं होंगे, जहां तक इसका संबंध केनरा बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी, श्री लिंगम वेंकट प्रभाकर को दिनांक 31.12.2022 तक की अवधि के लिए अर्थात् उनकी अधिवर्षिता की आयु तक या अगले आदेशों तक, जो भी पहले हो, मैसर्स केन फिन होम्स लिमिटेड के बोर्ड में निदेशक के रूप में नामित करने से है।

[फा. सं. 13/21/2017-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 27th July, 2020

S.O. 754.—In exercise of the powers conferred by Section 53(1) of the Banking Regulation Act, 1949 (10 of 1949), Government of India hereby declares that the provisions of sub-clauses (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Canara Bank in so far as they relate to the nomination of Shri Lingam Venkata Prabhakar, Managing Director and Chief Executive Officer, Canara Bank to the Board of M/s Can Fin Homes Limited as a director, for a period up to 31.12.2022, *i.e.*, the date of his superannuation, or until further orders, whichever is earlier.

[F. No. 13/21/2017-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 9 सितम्बर, 2020

का.आ. 755.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, यह घोषणा करती है कि बैंककारी विनियमन अधिनियम, 1949 की धारा 19 की उप-धारा (2) के उपबंध, सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से तीन वर्ष की अवधि तक अथवा इसके प्रतिसंहरण तक, जो भी पहले हो, आईसीआईसीआई बैंक लिमिटेड पर लागू नहीं होंगे, जहां तक इसका संबंध (i) आईसीआईसीआई लोम्बार्ड जनरल इश्योरेंस कंपनी लिमिटेड और (ii) आईसीआईसीआई प्रूडेंशियल लाइफ इश्योरेंस कंपनी लिमिटेड की चुकता पूंजी के 30 प्रतिशत से अधिक राशि का शेयर धारण करने से है।

[फा. सं. 7/90/2020-बीओए-1]

ए. के. घोष, अवर सचिव

New Delhi, the 9th September, 2020

S.O. 755.—In exercise of the powers conferred by sub-section (1) of section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the Banking Regulation Act, 1949 shall not apply to ICICI Bank Limited in so far as they relate to its holding shares of an amount exceeding thirty per cent of the paid-up capital of (i) ICICI Lombard General Insurance Company Limited and (ii) ICICI Prudential Life Insurance Company Limited, for a period of three years from the date of publication of this notification in the Official Gazette or till its revocation, whichever is earlier.

[F. No. 7/90/2020-BOA-I]

A. K. GHOSH, Under Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 अगस्त, 2020

का.आ. 756.—केन्द्रीय सरकार ने पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (अ) के अनुसरण में 16 फरवरी 2017 को भारत के राजपत्र में प्रकाशित, भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 488(अ) तारीख 8 फरवरी 2017 में निम्नलिखित रूप में संशोधन करती है, अर्थात्

“श्री देव राज शर्मा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पी.ए.जे.पी.एल. - ऊना ब्रांच पाइपलाइन परियोजना, 346, कमला कुंज, डी.सी. कॉलोनी, ऊना (हिमाचल प्रदेश) - 174303” शब्दों के स्थान

पर, “श्री प्रशांत ठाकुर, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पी. ए. जे. पी. एल.-ऊना ब्रांच पाइपलाइन परियोजना, उत्तरी क्षेत्र पाइपलाइन, ऊना (हिमाचल प्रदेश)” शब्द रखे जाएंगे।

यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. आर-11025(11)/19/2018-ओआर-I/ई-27024]

पी. सोमाकुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th August, 2020

S. O. 756.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of Government of India in Ministry of Petroleum and Natural Gas S.O. 488(E) dated 8th February 2017, namely:

In the said notification, in the Schedule, at Sl. No. (i), for the words “Shri Dev Raj Sharma, Competent Authority, Indian Oil Corporation Limited, PAJPL – Una Branch Pipeline Project, 346, Kamla Kunj, DC-Colony, Una (Himachal Pradesh) – 174303” the words “Shri Prashant Thakur, Competent Authority, Indian Oil Corporation Limited, PAJPL-Una Branch Pipeline Project, Northern Region Pipeline, Una (Himachal Pradesh)” shall be substituted.

The notification is applicable from the date of issue.

[F. No. R-11025(11)/19/2018-OR-I/E-27024]

P. SOMAKUMAR, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 7 सितम्बर, 2020

का.आ. 757.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 529, तारीख 16 जुलाई, 2020, जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 18 जुलाई, 2020 द्वारा प्रकाशित की गई थी, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित 684.620 हेक्टेयर (लगभग) या 1691.730 एकड़ (लगभग) माप वाली भूमि में और ऐसी भूमि में (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि ओडिशा कोल एण्ड पावर लिमिटेड, भूबनेश्वर, ओडिशा (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना ठीक समझे, अनुपालन करने के लिए रजामंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित भूमि का माप 684.620 हेक्टेयर (लगभग) या 1691.730 एकड़ (लगभग) उक्त भूमि में या उस पर के सभी अधिकार तारीख 18 जुलाई, 2020 से केन्द्रीय सरकार में इस

प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

- (1) सरकारी कंपनी उक्त अधिनियम के उपबंधों और अन्य सुसंगत विधियों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों आदि से संबंधित और वैसी ही मदों की बाबत सभी संदाय करेगी;
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, संदेय रकमों का अवधारण करने के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और उक्त अधिकरण और किसी ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में, उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इसी प्रकार, निहित उक्त भूमियों में या उस पर के अधिकारों के लिए या उनके संबंध में अपील आदि विधिक कार्यवाहियों की बाबत उपगत सभी व्यय भी सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि में इस प्रकार निहित अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का अनुपालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं ।

[फा. सं. 43015/13/2019-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 7th September, 2020

S.O. 757.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 529, dated the 16th July, 2020, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 18th July, 2020, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land measuring 684.620 hectares (approximately) or 1691.730 acres (approximately) and all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Odisha Coal and Power Limited, Bhubaneswar, Odisha (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the land measuring 684.620 hectares (approximately) or 1691.730 acres (approximately) and all rights in or over the said lands so vested shall with effect from the 18th July, 2020 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely:-

- (1) the Government Company shall make all payments in respect of compensation, interest, damages, etc., and the like, as determined under the provisions of the said Act and other relevant laws ;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable by the Government Company under condition (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the

Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights, in or over the said land, so vesting, shall also be borne by the Government Company;

- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vested;
- (4) the Government Company shall have no power to transfer the said lands to any other persons without the prior approval of the Central Government; and
- (5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/13/ 2019-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

शुद्धि-पत्र

नई दिल्ली, 7 सितम्बर, 2020

का.आ. 758.—भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 10 मई-16 मई, 2020 (साप्ताहिक) में प्रकाशित भारत सरकार के कोयला मंत्रालय की संख्यांक अधिसूचना का.आ. 410, तारीख 11 मई, 2020, अधिसूचना के हिंदी पाठ में:-

(क) पृष्ठ 1177 पर '(ग) संरक्षित वन भूमि का विवरण' के नीचे की सारणी में,-

- (i) पंक्ति-15 में, क्रम सं. 9 के सामने आंकड़े '44.827' के स्थान पर आंकड़े '43.827' पढ़ें ;
- (ii) पंक्ति-19 में, क्रम सं. 13 के सामने 'भाग' के स्थान पर 'पूर्ण' पढ़ें ;
- (iii) पंक्ति-22 में, क्रम सं. 16 के सामने आंकड़े '4.956' के स्थान पर आंकड़े '4.946' पढ़ें ।

(ख) पृष्ठ 1178 में,

- (i) पंक्ति -3 में, 'ग्राम चकेरी (भाग)' के स्थान पर 'ग्राम पेरोगिया (भाग)' पढ़ें ।
- (ii) पंक्ति-7 में, आंकड़े 'पी-2126 (भाग)' के स्थान पर आंकड़े 'पी-2126 (पूर्ण)' पढ़ें ।

[फा. सं. 43015/8/2019-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

CORRIGENDUM

New Delhi, the 7th September, 2020

S.O. 758.—In the notification of the Government of India, Ministry of Coal number S.O. 410, dated the 11th May, 2020 and published in the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 10th May-16th May, 2020 (weekly), notification in Hindi version:-

- (a) on page 1177, at below Table '(C) Details of Protected Forest Land: ', -
 - (i) In line, 15, against Sl. No. 9 for figure '44.827, read figure '43.827';
 - (ii) In line, 19, against Sl. No. 13 for 'Part', read 'Full';
 - (iii) In line, 22, against Sl. No. 16 for figure '4.956', read figure '4.946'.
- (b) on page 1178,
 - (i) In line, 3, for 'village Chakeri (Part)', read 'village Parogiya (Part)';
 - (ii) In line, 7, for figure 'P-2126(Part)', read figure 'P-2126(Full)'.

[F. No. 43015/8 /2019-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 7 सितम्बर, 2020

का.आ. 759.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 2 मई, 2020 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 398, तारीख 28 अप्रैल, 2020 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में, या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर, महाराष्ट्र (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निम्मित अधिरोपित करना ठीक समझे, अनुपालन करने के लिए रजामंद है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि इस प्रकार निहित उक्त भूमि में या उस पर के सभी अधिकार तारीख 2 मई, 2020 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् : -

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और सुसंगत विधि वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और किसी ऐसे अधिकरण और अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपीलों आदि जैसी सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमियों के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं।

[फा. सं. 43015/10/2018-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 7th September, 2020

S.O. 759.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 398, dated the 28th April, 2020, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 2nd May, 2020, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act ;

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur, Maharashtra (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said land and all rights in or over the said land so vested, shall, with effect from 2nd May, 2020, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely:-

- (1) the Government Company shall make all payments in respect of compensation, interest, damages, etc. and the like, as determined under the provisions of the said Act and other relevant law ;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable by the Government Company under condition (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal, shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vested, shall also be borne by the Government Company;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vested;
- (4) the Government Company shall have no power to transfer the said lands to any other person without the prior approval of the Central Government; and
- (5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/ 10/ 2018-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 9 सितम्बर, 2020

का.आ. 760.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और, रेखांक संख्या एनसीएल/मुख्यालय/भूमि और राजस्व/2020/81, तारीख 18 अप्रैल, 2020 और एनसीएल/मुख्यालय/ भूमि और राजस्व/2020/82, तारीख 18 अप्रैल, 2020 को उक्त अनुसूची में वर्णित भूमि का क्षेत्र अन्तर्विष्ट किया गया है, का निरीक्षण महा प्रबंधक (राजस्व/पुनर्वास और पुनर्स्थापन), नार्दर्न कोलफील्ड्स लिमिटेड, सिंगरौली- 486889, मध्य प्रदेश के कार्यालय में या महाप्रबंधक (खोज प्रभाग), सेंट्रल माईन प्लानिंग और डिजाइन इंस्टीच्यूट लिमिटेड, गोंडवाना प्लेस, कांके रोड, रांची - 834001, झारखंड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊसस्ट्रीट, कोलकाता-700001 के कार्यालय में या जिला कलेक्टर, सिंगरौली- 486886, मध्य प्रदेश के कार्यालय में किया जा सकता है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, -

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा ; या
- (ii) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गयी किसी कार्यवाही से हुई या होने वाली संभावित किसी क्षति के लिए अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; या
- (iii) उक्त अधिनियम की धारा (13) की उप-धारा (1) के अधीन पूर्वेक्षण अनुज्ञप्तियों के प्रभावहीन होने के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन खनन पट्टे प्रभावहीन होने के लिए प्रतिकर का दावा कर सकेगा और उसे उक्त अधिनियम की धारा 13 की उपधारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मदों से संबंधित उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चाटों और अन्य दस्तावेजों को परिदत्त कर सकेगा,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, महा प्रबंधक (राजस्व/पुनर्वास और पुनर्स्थापन), नार्दर्न कोलफील्ड्स लिमिटेड, सिंगरौली -486889, मध्य प्रदेश को भेजेगें।

अनुसूची

बघेला, बुन्देला, चन्देला, ककरी नार्थ, झिगुरदह डीप और टिपा झरिया जीओलाजिकल ब्लाक
दुधीचुआ विस्तार और ककरी नार्थ ओपनकास्ट परियोजना हेतु
नार्दर्न कोलफील्ड्स लिमिटेड, सिंगरौली
जिला -सिंगरौली (मध्य प्रदेश)

(रेखांक संख्या एनसीएल/मुख्यालय/ भूमि और राजस्व/2020/81, तारीख 18 अप्रैल, 2020)

सभी अधिकार :

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल (हेक्टेयर में)	टिप्पणियां
1.	चटका	00005	सिंगरौली नगर	सिंगरौली	42.00	भाग
2	झिगुरदह	00005	सिंगरौली नगर	सिंगरौली	507.00	भाग
3.	चूरीदह	00005	सिंगरौली नगर	सिंगरौली	9.00	भाग
जोड़ : 558.00 हेक्टेयर (लगभग) या 1378.82 एकड़ (लगभग)						

सीमा वर्णन :

क - ख : रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर बिन्दु "क" से आरम्भ होती है और ग्राम झिगुरदह तथा ग्राम चटका से होकर गुजरती है और दुधीचुआ ब्लाक विस्तार -II की पूर्व अर्जित भूमि की सीमा के बिन्दु "ख" पर मिलती है।

- ख - ग : रेखा बिन्दु "ख" से आरम्भ होती है और ग्राम चटका तथा ग्राम झिगुरदह से होकर गुजरती है और यही रेखा दुधीचुआ ब्लाक विस्तार -II की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है और ग्राम झिगुरदह तथा ग्राम करवारी की उभय सीमा के बिन्दु "ग" पर मिलती है।
- ग - घ : रेखा बिन्दु "ग" से आरम्भ होती है और ग्राम झिगुरदह तथा ग्राम करवारी की उभय सीमा से होकर जाती है और यही रेखा दुधीचुआ ब्लाक-I की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु "घ" पर मिलती है।
- घ - ड. : रेखा बिन्दु "घ" से आरम्भ होती है और ग्राम झिगुरदह तथा ग्राम चूरीदह और पुनः ग्राम झिगुरदह से होकर गुजरती है और यही रेखा बीना -ककरी अमलगमेशन की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु "ड." पर मिलती है।
- ड. - च : रेखा बिन्दु "ड." से आरम्भ होती है और ग्राम झिगुरदह से होकर गुजरती है और यही रेखा बीना-ककरी अमलगमेशन की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा मध्य प्रदेश और उत्तर प्रदेश राज्य की उभय सीमा के बिन्दु "च" पर मिलती है।
- च - छ : रेखा बिन्दु "च" से आरम्भ होती है और मध्य प्रदेश तथा उत्तर प्रदेश राज्य की उभय सीमा से होकर गुजरती है तथा झिगुरदा ब्लाक की पूर्व अर्जित सीमा पर स्थित बिन्दु "छ" पर मिलती है।
- छ - ज : रेखा बिन्दु "छ" से आरम्भ होती है और ग्राम झिगुरदह से होकर जाती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से गुजरती है तथा बिन्दु "ज" पर मिलती है।
- ज - झ : रेखा बिन्दु "ज" से आरम्भ होती है और ग्राम झिगुरदह से होकर गुजरती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु "झ" पर मिलती है।
- झ - क : रेखा बिन्दु "झ" से आरम्भ होती है और ग्राम झिगुरदह से होकर गुजरती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा आरम्भिक बिन्दु "क" पर मिलती है।

अनुसूची

बुन्देला, बघेला, मेहरौली नार्थ, मेहरौली पूर्व और पश्चिम तथा मोरवा जीओलाजिकल ब्लाक
जयन्त विस्तार ओपनकास्ट परियोजना हेतु
नार्दर्न कोलफील्ड्स लिमिटेड, सिंगरौली
जिला -सिंगरौली (मध्य प्रदेश)

(रेखांक संख्या एनसीएल/मुख्यालय/ भूमि और राजस्व/2020/82, तारीख 18 अप्रैल, 2020)

सभी अधिकार :

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल (हेक्टेयर में)	टिप्पणियां
1.	गोरबी	00092	चितरंगी	सिंगरौली	10.30	भाग
2.	कठास	00092	चितरंगी	सिंगरौली	3.54	भाग
3.	कुसवई	00005	सिंगरौली नगर	सिंगरौली	0.52	भाग
4.	मेढौली	00004	सिंगरौली नगर	सिंगरौली	638.30	भाग
5.	पिजरेह	00005	सिंगरौली नगर	सिंगरौली	558.00	भाग

	(पंजरेह)					
6.	चटका	00005	सिंगरौली नगर	सिंगरौली	127.00	भाग
7.	झिगुरदह	00005	सिंगरौली नगर	सिंगरौली	30.00	भाग
जोड़ : 1367.66 हेक्टेयर (लगभग) या 3379.49 एकड़ (लगभग)						

सीमा वर्णन :

- क – ख : रेखा बिन्दु “क” से आरम्भ होती है और ग्राम गोरबी तथा ग्राम मेढौली से होकर गुजरती है तथा मेहरौली वेस्ट (डिप नार्थ साइड) ब्लाक की पूर्व अर्जित भूमि की सीमा पर स्थित बिन्दु “ख” पर मिलती है।
- ख – ग : रेखा बिन्दु “ख” से आरम्भ होती है और ग्राम मेढौली से होकर गुजरती है और यही रेखा मेहरौली वेस्ट (डिप नार्थ साइड) ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “ग” पर मिलती है।
- ग – घ : रेखा बिन्दु “ग” से आरम्भ होती है और ग्राम मेढौली से होकर गुजरती है और यही रेखा मेहरौली वेस्ट (डिप नार्थ साइड) ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा दुधीचुआ ब्लाक विस्तार –II और मेहरौली वेस्ट (डिप नार्थ साइड) ब्लाक की पूर्व अर्जित भूमि की उभय सीमा के बिन्दु “घ” पर मिलती है।
- घ – ड. : रेखा बिन्दु “घ” से आरम्भ होती है और ग्राम मेढौली तथा ग्राम पिंजरेह (पंजरेह) से होकर गुजरती और यही रेखा दुधीचुआ ब्लाक विस्तार – II की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “ड.” पर मिलती है।
- ड. – च : रेखा बिन्दु “ड.” से आरम्भ होती है और ग्राम पिंजरेह(पंजरेह) तथा ग्राम चटका से होकर गुजरती है और यही रेखा दुधीचुआ ब्लाक विस्तार –II की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “च” पर मिलती है।
- च – छ : रेखा बिन्दु “च” से आरम्भ होती है और ग्राम चटका तथा ग्राम झिगुरदह से होकर जाती और झिगुरदा ब्लाक की पूर्व अर्जित सीमा रेखा के बिन्दु “छ” पर मिलती है।
- छ – ज : रेखा बिन्दु “छ” से आरम्भ होती है और ग्राम झिगुरदह तथा ग्राम चटका से होकर जाती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “ज” पर मिलती है।
- ज – झ : रेखा बिन्दु “ज” से आरम्भ होती है और ग्राम चटका तथा ग्राम झिगुरदह से होकर जाती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “झ” पर मिलती है।
- झ –ञ : रेखा बिन्दु “झ” से आरम्भ होती है और ग्राम झिगुरदह तथा ग्राम पिंजरेह (पंजरेह) से होकर जाती है और यही रेखा झिगुरदा ब्लाक की पूर्व अर्जित भूमि की सीमा पर से होकर गुजरती है तथा बिन्दु “ञ” पर मिलती है।
- ञ – ट : रेखा बिन्दु “ञ” से आरम्भ होती है और ग्राम पिंजरेह (पंजरेह) से होकर जाती है तथा ग्राम पिंजरेह (पंजरेह) और ग्राम पिंडरताली की उभय सीमा पर स्थित बिन्दु “ट” पर मिलती है।

[illegible]

[illegible]

Boundary description :

- A-B:** The line starts from point 'A' and passes through village Gorbi and village Medhauli and meets at point 'B' situated on previously acquired boundary of Medhauli West (Dip North Side) Block.
- B-C :** Line starts from point 'B' and passes through village Medhauli and same line passes over the boundary of previously acquired land of Mehrauli West (Dip North side) Block and meets at point 'C'.
- C-D :** Line starts from point 'C' and passes through village medhauli and same line passes over the boundary of previously acquired land of Mehrauli West (Dip North Side) Block and meets at common point 'D' situated on previously acquired boundary of Dudhichua Block extension – II and Mehrauli West (Dip North Side) Block.
- D-E:** Line starts from point 'D' and passes through village medhauli and village Pijreh (Panjreh) and same line passes over the boundary of previously acquired land of Dudhichua Block extension – II and meets at point 'E'.
- E-F:** Line starts from point 'E' and passes through village Pijreh (Panjreh) and village Chatka and same line passes over the boundary of previously acquired land of Dudhichua Block Extension – II and meets at point 'F'.
- F-G:** Line starts from point 'F' and passes through village Chatka and village Jhingurdah and meets at point 'G' previously acquired boundary of Jhingurda Block .
- G-H:** Line starts from Point 'G' and passes through village Jhingurdah and village Chatka and same line passes over the boundary of previously acquired land of Jhingurdah Block and meets at point 'H'.
- H-I:** Line starts from point 'H' and passes through village Chatka and village Jhingurdah and same line passes over the boundary of previously acquired land of Jhingurdah Block and meets at point 'I'.
- I-J:** Line starts from point 'I' and passes through village Jhingurdah and village Pijreh (Panjreh) and same line passes over the boundary of previously acquired land of Jhingurdah Block and meets at point 'J'.
- J-K:** Line starts from point 'J' and passes through village Pijreh (Panjreh) and meets at point 'K' situated on common boundary of village Pijreh (Panjreh) and village Pindartali.
- K-A:** Line starts from point 'K' and passes through common boundary of village Pijreh (Panjreh) and village Pindartali and common village boundary of village Mehrauli and Pindartali and village Medhauli, village Kuswai, village Kathas, village Gorbi and meets at starting point 'A'.

[F. No. 43015/ 14/ 2020-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 11 सितम्बर, 2020

का.आ. 761.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई अनुसूची के स्तंभ (2) में विनिर्दिष्ट अधिकारियों को, उक्त अधिनियम के प्रयोजनों के लिए यथा विनिर्दिष्ट 'छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, रजिस्ट्रीकृत कार्यालय और मुख्यालय, विद्युत सेवा भवन, डंगनिया, रायपुर, छत्तीसगढ़-492013' की अधिकारिता के भीतर आने वाले स्तंभ (5) में विनिर्दिष्ट क्षेत्रों के संबंध में उक्त सक्षम प्राधिकारियों के सामने, उसके स्तंभ (4) में की तत्स्थानी प्रविष्टि में यथाविनिर्दिष्ट ऐसी धाराओं के उपबंधों के लिए सक्षम प्राधिकारी नियुक्त करती है।

अनुसूची

क्रम संख्या	सक्षम प्राधिकारी के रूप में नियुक्त व्यक्ति का पदनाम	शासकीय पता	अधिनियम की धारा	अधिकारिता का क्षेत्र
(1)	(2)	(3)	(4)	(5)
1.	1. अतिरिक्त मुख्य इंजीनियर अथवा अधीक्षण इंजीनियर (सिविल), छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा. 2. कार्यकारी इंजीनियर (सिविल), प्रभाग-I, छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा. 3. कार्यकारी इंजीनियर (सिविल), प्रभाग-II, छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा.	छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, रजिस्ट्रीकृत कार्यालय और मुख्यालय, विद्युत सेवा भवन, डंगनिया, रायपुर, छत्तीसगढ़-492013.	धारा 4 की उप-धारा (3).	(क) पूर्वेक्षण कोयला के लिए भूमि में प्रवेश और सर्वेक्षण करना; (ख) उप मृदा में खोदना या वेधन करना; (ग) भूमि में कोयला के पूर्वेक्षण के लिए सभी आवश्यक कार्य किए जाना ; (घ) भूमि की सीमाएं चिन्हांकित करना जिनमें पूर्वेक्षण के लिए प्रस्तावित किया जाना है ; (ङ.) ऐसी सीमाओं और पंक्ति को चिन्हांकित करने के लिए चिन्हों को लगाना; और (च) जहां सर्वेक्षण पूरा नहीं किया जा सकता है और सीमाएं तथा पंक्ति चिन्हांकित किए गए हैं, वहां कम किसी खड़ी फसल, बाड़ या जंगल के किसी भाग को कम और साफ करना ।
2.	1. अतिरिक्त मुख्य इंजीनियर अथवा अधीक्षण इंजीनियर (सिविल), छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा. 2. कार्यकारी इंजीनियर (सिविल), प्रभाग-I, छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा. 3. कार्यकारी इंजीनियर (सिविल), प्रभाग-II, छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, कटघोरा.	छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, रजिस्ट्रीकृत कार्यालय और मुख्यालय, विद्युत सेवा भवन, डंगनिया, रायपुर, छत्तीसगढ़-492013.	धारा 6.	कारित होने वाली संभाव्य क्षति की राशि पर प्रतिकर का संदाय और केन्द्रीय सरकार को विवाद निर्दिष्ट करना ।
3.	कोयला नियंत्रक	कोयला नियंत्रक का कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001.	धारा 8 की उप-धारा (2).	अर्जन के विरुद्ध आक्षेपों की सुनवाई और केन्द्रीय सरकार को रिपोर्ट प्रस्तुत किया जाना ।
4.	1. अतिरिक्त मुख्य इंजीनियर अथवा अधीक्षण इंजीनियर (सिविल),	छत्तीसगढ़ राज्य पावर जनरेशन कंपनी लिमिटेड, रजिस्ट्रीकृत कार्यालय और	धारा 12.	व्यक्तियों को भूमि का कब्जा अभ्यर्पित करने और उसका कब्जा लेने के लिए नोटिस ।

	छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा. 2. कार्यकारी इंजीनियर (सिविल), प्रभाग-I, छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा. 3. कार्यकारी इंजीनियर (सिविल), प्रभाग-II, छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा.	मुख्यालय, विद्युत सेवा भवन, डंगनिया, रायपुर, छत्तीसगढ़-492013.	धारा 13 की उप-धारा (5) और (5 क).	प्रतिकर का अवधारण।
			धारा 13 की उप-धारा (6)	नुकसानी के लिए प्रतिकर का संदाय जिसकी अधिनियम में कहीं भी उपबंध नहीं किया गया है।
			धारा 14 की उप-धारा (1)	करार द्वारा नियत प्रतिकर का संदाय।
			धारा 14 की उप-धारा (4)	प्रतिकर के संबंध में अधिकरण के समक्ष कथन।
			धारा 16	अधिकरण द्वारा अधिनिर्णित ब्याज का संदाय।
			धारा 17	प्रतिकर का संदाय।
			धारा 19	केन्द्रीय सरकार द्वारा प्रत्यायोजित शक्तियों और कर्तव्यों का प्रयोग करना।
			धारा 20 की उपधारा (3)	केन्द्रीय सरकार द्वारा अपील की सुनवाई के दौरान रिपोर्ट देना और अपने आदेश का निष्कर्ष देना।
5.	1. अतिरिक्त मुख्य इंजीनियर अथवा अधीक्षण इंजीनियर (सिविल), छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा. 2. कार्यकारी इंजीनियर (सिविल), प्रभाग-I, छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा. 3. कार्यकारी इंजीनियर (सिविल), प्रभाग-II, छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, कटघोरा।	छत्तीसगढ़ राज्य पावर जेनरेशन कंपनी लिमिटेड, रजिस्ट्रीकृत कार्यालय और मुख्यालय, विद्युत सेवा भवन, डंगनिया, रायपुर, छत्तीसगढ़-492013.	धारा 21	जानकारी प्राप्त करने की शक्ति।
			धारा 22	किसी भी संपत्ति में प्रवेश करने और निरीक्षण करने की शक्ति।

[फा. सं. 43015/15/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 11th September, 2020

S.O. 761.—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby appoints the officers specified in column (2) of the Schedule below to be the competent authorities for the purposes of the said Act and for the provisions of such of the sections as are specified against the said competent authorities in the corresponding entry in column (4) thereof, in respect of the areas specified in column (5) falling within the jurisdiction of 'Chhattisgarh State Power Generation Company Limited, Registered Office and Head Office Vidyut Sewa Bhawan, Dangania, Raipur, Chhattisgarh -492013'.

SCHEDULE

Sr. No.	Designation of the person appointed as competent authority	Official Address	Section of the Act	Area of Jurisdiction	
(1)	(2)	(3)	(4)	(5)	
1.	1. Additional Chief Engineer or Superintending Engineer (Civil), Chhattisgarh State Power Generation Company Limited, Katghora. 2. Executive Engineer (Civil), Division-I, Chhattisgarh State Power Generation Company Limited, Katghora. 3. Executive Engineer (Civil), Division-II, Chhattisgarh State Power Generation Company Limited, Katghora.	Chhattisgarh State Power Generation Company Limited, Registered Office and Head Office Vidyut Sewa Bhawan, Dangania, Raipur, Chhattisgarh-492013.	Sub-section (3) of section 4.	(a)	to enter upon and survey the land for prospecting coal;
				(b)	to dig or bore into the sub soil;
				(c)	to do all acts necessary to prospect for coal in the land ;
				(d)	to set out boundaries of the land in which prospecting is proposed to be done;
				(e)	to mark such boundaries and line by placing marks; and
				(f)	where survey cannot be completed and the line marked to cut down and clear away any part of standing crop, fence or jungle.
2.	1. Additional Chief Engineer or Superintending Engineer (Civil), Chhattisgarh State Power Generation Company Limited, Katghora. 2. Executive Engineer (Civil), Division-I, Chhattisgarh State Power Generation Company Limited, Katghora. 3. Executive Engineer (Civil), Division-II, Chhattisgarh State Power Generation Company Limited, Katghora.	Chhattisgarh State Power Generation Company Limited, Registered Office and Head Office Vidyut Sewa Bhawan, Dangania, Raipur, Chhattisgarh-492013.	Section 6	Payment of compensation on amount of damage likely to be caused and referring dispute to Central Government.	
3.	Coal Controller.	Office of the Coal Controller, I, Council House Street, Kolkata-700001.	Sub-section 2 of Section 8.	Hearing of objections against acquisition and submitting of report to Central Government..	
4.	1. Additional Chief Engineer or	Chhattisgarh State Power	Section 12.	To issue notice to persons to surrender possession of land	

	Superintending Engineer (Civil), Chhattisgarh State Power Generation Company Limited, Katghora.	Generation Company Limited, Registered Office and Head Office Vidyut Sewa Bhawan, Dangania, Raipur, Chhattisgarh-492013.		and take possession thereof.
	2. Executive Engineer (Civil), Division-I, Chhattisgarh State Power Generation Company Limited, Katghora.		Sub -sections (5) and (5A) of section 13	Determination of compensation.
	3. Executive Engineer (Civil), Division-II, Chhattisgarh State Power Generation Company Limited, Katghora.		Sub- section (6) of section 13	Payment of compensation for damages not provided elsewhere in the Act.
			Sub -section (1) of section 14	Payment of Compensation fixed by agreement.
			Sub -section (4) of section 14.	Statement before the Tribunal regarding compensation.
			Section 16	Payment of interest on award of the Tribunal.
			Section 17	Payment of compensation.
			Section 19	To exercise the powers and duties delegated by the Central Government.
			Sub-section (3) of section 20.	Giving the report during hearing of appeal by the Central Government and the findings of its order.
5.	1. Additional Chief Engineer or Superintending Engineer (Civil), Chhattisgarh State Power Generation Company Limited, Katghora.	Chhattisgarh State Power Generation Company Limited, Registered Office and Head Office Vidyut Sewa Bhawan, Dangania, Raipur, Chhattisgarh-492013.	Section 22	Power to enter and inspect any property.
	2. Executive Engineer (Civil), Division-I, Chhattisgarh State Power Generation Company Limited, Katghora.			
	3. Executive Engineer (Civil), Division-II, Chhattisgarh State Power Generation Company Limited, Katghora.			

[F. No. 43015/ 15/ 2020-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

विद्युत मंत्रालय

नई दिल्ली, 4 सितम्बर, 2020

का.आ. 762.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन भाखड़ा ब्यास प्रबंध बोर्ड के अंतर्गत उप मुख्य लेखाधिकारी, बीबीएमबी, तलवाड़ा, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं. 11011/9/2017-हिंदी]

राज पाल, आर्थिक सलाहकार

MINISTRY OF POWER

New Delhi, the 4th September, 2020

S.O. 762.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify Deputy Chief Account Officer, BBMB, Talwada of the Bhakra Byas Management Board under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No. 11011/9/2017-Hindi]

RAJ PAL, Economic Adviser

नई दिल्ली, 7 सितम्बर, 2020

का.आ. 763.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावरग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:-

1. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
दक्षिणी क्षेत्र पारेषण प्रणाली-1
श्रीकाकुलम 765 केवी (जीआईएस)/400 केवी (एआईएस) उप-केंद्र,
रामाकृष्णपुरम (वि), नीलावति (पो),
हरिपुरम (वाया), पलासा (मंडल),
श्रीकाकुलम (डी)
पिन-532243 (आं.प्र.)
2. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
दक्षिणी क्षेत्र पारेषण प्रणाली-1
765/400 केवी निजामाबाद जीआईएस उप-केंद्र,
मितपल्ली (गांव),
निजामाबाद-503164 (तेलंगाना)
3. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
दक्षिणी क्षेत्र पारेषण प्रणाली-1
400/220 केवी उप-केंद्र,
एन.पी. कुंटा, रायचौटी-कादिरि रोड,
अनन्तपुरम जिला,
पिन-515521 (आं.प्र.)

[सं. 11011/9/2017-हिंदी]

राज पाल, आर्थिक सलाहकार

New Delhi, the 7th September, 2020

S.O. 763.— In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of the Power Grid Corporation of India Ltd. under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Ltd.,
Southern Region Transmission System-I
Srikakulam 765 KV (GIS)/400 KV (AIS) Sub-Station,
Ramakrishanpuram (Vill.), Nilavathi (Post),
Haripuram (Via), Palasa (Mandal),
Srikakulam (Dist.),
Pin-532242 (A.P.)
2. Power Grid Corporation of India Ltd.,
Southern Region Transmission System-I
765/400 KV Nizamabad GIS Sub-Station,
Mittapalli (Vill.),
Nizamabad-503164 (Telangana)
3. Power Grid Corporation of India Ltd.,
Southern Region Transmission System-I
400/220 KV Sub-Station,
N.P. Kunta, Rayachoti-Kadiri Road,
Anantapuram District,
Pin-515521 (A.P.)

[No. 11011/9/2017-Hindi]

RAJ PAL, Economic Adviser

नई दिल्ली, 8 सितम्बर, 2020

का.आ. 764.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन टीएचडीसी इंडिया लिमिटेड के अंतर्गत विष्णुगड पीपलकोटी जल विद्युत परियोजना, अलकनंदा पुरम, सियासैन, पी.ओ.-पीपलकोटी, जिला चमोली-उत्तराखंड-246472, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं. 11011/9/2017-हिंदी]

राज पाल, आर्थिक सलाहकार

New Delhi, the 8th September, 2020

S.O. 764.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify Vishnugad Pipalkoti Hydro Electric Project, Alaknanda Puram, Siyasain, P.O.-Pipalkoti, Distt.-Chamoli, Uttarakhand-246472 of the THDC India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No. 11011/9/2017-Hindi]

RAJ PAL, Economic Adviser

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 24 अगस्त, 2020

का.आ. 765.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स निर्देशक, अतिरिक्त महाप्रबंधक (आईआर), भारत इलेक्ट्रॉनिक्स लिमिटेड, बंगलौर, और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 06/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.07.2020 को प्राप्त हुए थे।

[सं. एल-42025/07/2020-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 24th August, 2020

S. O. 765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 06/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director, Gas Turbine Research Establishment, Bangalore & Others, and their workmen which were received by the Central Government on 17.07.2020.

[No. L-42025/07/2020-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**DATED : 06TH JULY, 2020**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer**ID 06/2013****I Party**

Sh. G.K. Sateesh Reddy,
S/o Late. G.M. Krishnappa,
Residing at Gokul Circle,
Varthur Post, Gunjur,
Bangalore – 560 087.

II Party

The Director,
Gas Turbine Research Establishment,
C.V. Raman Nagar,
Bangalore – 560093.

Appearance

Advocate for I Party : Mr. B. D. Kuttappa

Advocate for II Party : Mr. Prakash Rao. K.

AWARD

1. It is a Petition filed by an individual workman against his former Employer / 2nd Party under Sec 2A (2) and (3) of the Industrial Dispute Act, 1947.

The claim of the 1st Party workman is, he joined the service of the 2nd Party on 29.04.1985 as casual labourer / helper; his name was sponsored by District Employment Exchange Office at Bangalore; he was selected after finding him suitable in the interview by the Selection Committee; he worked at maintenance section of the 2nd Party for ten years continuously until he was illegally terminated in the month of October 1990; he worked for more than 240 days in each of the calendar years and terminated without any reason and without following the mandatory provisions of the Industrial Dispute Act. Similarly placed workmen selected along with him were discontinued and they raised dispute before this Tribunal and this Tribunal passed Award

directing the 2nd Party to reinstate them and they were taken back and they are serving regularly. He is unemployed and is without any source of income.

2. The claim is contested by the 2nd Party on the ground that, the 2nd Party was engaging casual labourers on daily wages to carry out odd and miscellaneous jobs; the engagement was purely casual in nature to cater to the temporary nature of work. Since, the services were no longer required, their engagement were stopped subsequently. The 1st Party workman worked intermittently for 513 days from 1985-1990. As per the guidelines of the Ministry of Defence, Government of India dated 31.01.1991, casual labourers who rendered at least 240 days of casual service during each of the two years of service will be eligible for appointment to the post on regular establishment subject to other conditions. The 1st Party did not work for minimum stipulated days in any of the block of two years and was not eligible for regular employment.

3. The 1st Party workman once filed the claim petition, thereafter, did not pursue his claim. The 2nd Party examined it's witness / Administrative officer reiterating the counter claim averments and produced supporting documents Ex M-1 to Ex M-4. Ex M-2 is the proceedings of the interview committee dated 07.12.1989 and it is seen from the said document that the 1st Party workman was not successful in getting through.

4. More than anything, the claim of the workman is hit by the limitation contemplated by Sec 2A (3) of 'the Act' which reads thus,

"2A (1)

(2)

(3) *The application referred to in sub Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of services as specified in sub Section (1).*"

The alleged Termination in this case is of October 1990 and the dispute is raised in the year 2011, long after the period stipulated in the above provision. Hence, the Dispute is barred by time and the petition will not survive.

AWARD

The petition filed by Sh. G.K. Sateesh Reddy under Sec 2A (2) and (3) of the Industrial Dispute Act is rejected as not maintainable.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 06th July, 2020)

Justice Smt. RATNAKALA, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 02/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/143/2004-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 766.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 02 of 2005) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. Tisco Ltd., and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/143/2004-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947.**Reference: No. 02/2005**

Employer in relation to the management of 6 & 7 Pits Colliery of M/s. TISCO Ltd.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri D.K. Verma. Advocate

For the workman. : None

State : Jharkhand.

Industry: Coal

Dated 24.02.2020

AWARD

By Order No.L-20012/143/2004-IR(C-1) dated 14/12/2004 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या राष्ट्रीय कोलियरी मजदूर संघ की टिस्को, 6 एण्ड 7 पिट्स कोलियरी के प्रबंधन से मांग कि कर्मकार श्री के. एन. सिंह को वर्ष 1997 से अंडर ग्राउंड भत्ता दिया जाए उचित है? यदि हाँ तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

2. After receipt of the reference, both parties were noticed and workman didn't appear before the Tribunal. Thereafter again regd. notice was issued to the concerned workman/union but even then no one appeared on behalf of the workman/union. It further appears that the General Secretary of the concerned union had been shown the order sheet dated 09.07.2019 but even on next fixed date no step had been taken by the workman/union. Now the Case is pending since 03/01/2005 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 02/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/57/2005-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 767.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 02 of 2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/57/2005-IR(C-1)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 02/2006

Employer in relation to the management of Dhansar Colliery, Kusunda Area of M/S. B.C.C.L.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated: 29.05.2020

AWARD

By Order No.L-20012/57/2005-IR-(C-I) dated 03/12/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Dhansar Colliery under Kusunda Area of BCCL, in dismissing Sri Arjun Bhuia, Miner/Loader of Dhansar Colliery from service w.e.f. 21.1.04 is just, fair and legal? If not, to what relief is Sri Arjun Bhuia Miner/Loader entitled?”

2. After receipt of the reference, both parties were noticed but neither the union/ workman nor the management appeared before the Tribunal. Now Case is pending since 02/01/2006 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate

D.K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 05/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/35/2005-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 05 of 2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/35/2005-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947**Reference: No. 05/2006**

Employer in relation to the management of South Tisra Colliery of M/s. BCCL

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri Ganesh Prasad. Advocate

For the workman. : Sri R.R. Ram. Rep.

State : Jharkhand.

Industry :- Coal

Dated 25.02 .2020

AWARD

By Order No.L-20012/35/2005-IR(C-I) dated 09/12/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Bahujaan Mazdoor Union from the management of BCCL, South Tisra Colliery that Sh. Kartik Bouri, Explosive Carrier may be given category IV with all consequential benefits w.e.f. 1974 is justified? If so, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and workman/union didn't appear before this Tribunal. Further in course of hearing of the case, the General Secretary of Sponsoring Union Shri R.R. Ram has informed that workman/union is not interested in contesting the case, so , it is felt that the workman has lost its interest in this matter. Hence “No dispute” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 08/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/136/2005-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 08 of 2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/136/2005-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 08/2006

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 24.02.2020

AWARD

By Order No.L-20012/136/2005-IR(C-I) dated 09/12/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the Bihar Colliery Kamgar Union from the management of Basuriya Colliery under Kusunda Area of M/s BCCL for regularizing Sri Rahman Mia Miner/Loader as Trammer is justified? If so, to what relief is the workman entitled and from what date?”

2. After receipt of the reference, both parties were noticed but neither the union/ workman nor the management appeared before the Tribunal.. Now the Case is pending since 02/01/2006 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 17/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/37/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 17 of 2015) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. CCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/37/2015-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 17/2015

Employer in relation to the management of Sirka Group, Argada Colliery of M/s. CCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For Employer : Sri D.K. Verma, Advocate.

For workman : Sri U.N. Lall, Advocate.

State : Jharkhand.

Industry:- Coal

Dated 04.06.2020

AWARD

By Order No.L-20012/37/2015(IR(CM-1)) dated 09.06.2015, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the Management of Sirka Group project of M/s. CCL in dismissing Sri A.K. Ojha from the services of the Company w.e.f. 3.11.2000 is fair and justified? To what relief the concerned workman is entitled?”

2. The Sponsoring Union United Coal Workers Union, Sirka C.C.L. Argada, Ramgarh has filed statement of claim on 30/07/2015 and subsequently the management of M/s. CCL has filed its written statement on 29/01/2016. Thereafter concerned union/workman has filed rejoinder to the written statement of the management on 20/05/2016 and 05/04/2017.

3. The claim of the concerned sponsoring union as per its written statement is as follows:-

That the workman namely Sri A.K. Ojha, U.D.C./Cashier was a permanent employee of Sirka Group of Collieries of M/s. CCL having unblemished service record but the management of CCL, Ramgarh had issued a Charge-sheet vide no. PO/Sirka/PD-12/Disc. Action/95/11033-41 dated 30/31-10-1996 and had made false allegation against him. The concerned workman after receipt of the Charge-sheet had submitted his written reply to the management refusing the charges levelled against him and claiming himself as innocent and not committing any misconduct. The concerned workman in his reply had submitted that he had not allowed or ordered Sri Bishun Ram to make payment and Sri Ram had never received any payment from him. The concerned workman in his reply had also submitted that he had only sent the vouchers submitted to him by the authorised Pay clerk (duly authorised by Imprest Holder) to the imprest nominee and the Finance Manager of Sirka Colliery for scrutiny and onward submission to the Area Finance Manager, Argada and the vouchers submitted by the authorised payment clerk was responsible for signature or thumb impression. The concerned workman as per policy and practice had given the amount to the authorised pay clerk with relevant vouchers and the pay clerk was responsible for obtaining signature on the payment vouchers. The concerned workman had taken charge of the cash from Sri Matin Ahmad, LDC of Sirka Colliery vide office order no. PO(SG)/cash dated 04.04.1994, whereas the allegation related for the period 01/01/1991 to 31/12/1994, so it is evident that the concerned workman of Sirka Group was not working during 01/01/1991 to 03/04/1994. The disciplinary authority had not considered the reply of the concerned workman and had ordered for getting the matter enquired into departmentally by appointing the Enquiry Officer and M.R. in haste. The concerned workman was suspended w.e.f. 30/09/1996 and after one month charge-sheet was issued on 30/31-10-1996 by the Project Officer, Sirka of M/s. CCL. The concerned workman had been deprived of his wages w.e.f. 30/09/1996 for no offence. The C.B.I had also registered a criminal case against Sri K.M. Singh the then Project Officer, Sri J.P. Pandit the then Finance Manager, Sri R.K. Sinha the then P.M., Sri A.K. Sinha the then Sr. Personnel Officer, Sri N.N. Mukhopadhyay the then Finance Officer, Bishun Ram LDC, Sheo Kumar Singh Account clerk and the concerned workman namely Sri A.K. Ojha UDC clerk of Sirka colliery vide R.C. Case No- 10(A) 2001 but the CBI had not sent up the concerned workman Sri A.K. Ojha for trail as nothing had been found against him

incurse of investigation. The Enquiry Officer had not conducted the enquiry in accordance of the principle of natural justice and the disciplinary authority had passed the order of dismissal in utter violation of the provision of the certified standing orders as well as the principle of natural justice. The order of punishment is quite disproportionate and liable to be set aside in terms of clause 2.3 of the certified standing orders as the Project Officer/Agent, Sirka Group was not the competent authority. The concerned workman had not made any payment of L.T.C./L.L.T.C to any workman rather the same was made by the authorised clerk of the Imprest Holder and the cashier who was actually in employment during the period from 01/01/1991 to 03/04/1994 was not issued with any charge-sheet by the Project Officer, Sirka. The enquiry report was submitted by the Enquiry Officer on 28/06/2000 after four years which is also a matter to be taken into account as the reason of such inordinate delay on this account has not been explained. The process of advance payment of LTC/LLTC was the responsibility of the bill clerk and cashier had only received the amount as per list and pay order duly received from the Area Chief Cashier.

The sponsoring union has made a prayer to set aside the order of the dismissal as the punishment imposed is quite disproportionate and no misconduct has been committed by the workman concerned so he may be allowed to re-instate on payment of full back wages with effect from the date of suspension i.e. 30.09.1996 with consequential benefits.

4. The case of the management of Sirka Group of M/s. CCL as per its written statement is as follows:-

That the sponsoring union has raised the present industrial dispute after the lapse of 12 years without any explanation of such delay, so the present industrial dispute is not maintainable in law. The concerned workman was working as cashier at Sirka Colliery of M/s. CCL and he was involved in fraudulent, false and excess payment amounting to Rs. 88.39 Lakhs during the period from 01/01/1991 to 31/12/1994. The concerned workman had conducted serious misconduct according to the provision of standing orders, therefore he was charge-sheeted vide order dated 30/31-10-1996 allegation with following:-

“You were requisitioning money from Area Accounts Office, Argada for payment of LTC/LLTC which included enormous fictitious payments.

You allow Sri Bishun Ram to make payment of LTC/LLTC alongwith an outsider employed by Sri Bishun Ram even though Sri Ram was not authorise to make payments, inspite of the payment clerk were deputed to make such payment.

You accepted vouchers after payment of LTC/LLTC with false signatures and thumb impression and those vouchers were sent to the Area Accounts Officer for adjustment of the advance money drawn for payment of LTC/LLTC.

You accepted voucher signed by Sri Bishun Ram after drawing money on behalf of employer of Sirka Colliery without any authorisation of the concerned employee and sent those vouchers also to Area Accounts Officer for adjustment of advance money.

You did not keep cash book properly and the amount of LTC/LLTC payments was made as lump sum and did not give the details of the employees to whom the payment were made. This was done to hide the identity of the persons receiving payment.

In this way fraudulent, false and excess payment amounting to Rs. 88.39 Lakhs was made in the span of four years i.e. from 01/01/1991 to 31/12/1994. You disregarded the provisions of finance manual.

The above charges constitute misconduct under clause 18(i) (a) and (g) of the Standing Orders by which your services are governed.”

The concerned workman submitted his reply to the aforesaid charge-sheet and on finding the such reply not satisfactory, the management appointed Enquiry Officer to conduct departmental enquiry in respect of the charge-sheet. The Enquiry Officer had conducted a free, fair and impartial enquiry after observing the principles of natural justice in which the concerned employee participated and defended his case. The Enquiry Officer submitted his report on 28/06/2000 holding that all the charges were proved and the copy of the enquiry report was forwarded to the concerned workman by a letter dated 05/07/2000 to which he submitted his reply. After consideration of the findings of the Enquiry Officer and the reply of the workman to the findings of the Enquiry Officer, the Project Officer issued the order of dismissal of the workman on 03/11/2000 from the service of the company, so the order of dismissal is legal and justified and the concerned workman is not entitled to any relief.

5. The concerned union/workman has submitted rejoinder to the written statement of the management on 20/05/2016 and 05/04/2017, denying all the facts stated in the written statement.

6. The sponsoring union/concerned workman has not examined any witness in his support but has proved the following documents which are marked as:-

Exhibit W-1- Photo copy of charge-sheet No. 11033-41 dt. 30/31.10.96 issued by the Project Officer/Agent, Sikra Gourp of M/s. CCL.

Exhibit W-2- Photo copy of reply to the charge-sheet submitted by the concerned workman Sri A.K. Ojha, UDC/Cashier, Sikra Colliery.

Exhibit W-3- Photo copy of order No. 44 dt. 3.11.2000 regarding dismissal of concerned workman Sri A.K. Ojha.

Exhibit W-4- Photo Copy of Office Order dt. 4.4.94 issued by the Project Officer (SC), Sirka regarding authorization of taking charge of Cash to work as Cashier.

Exhibit W-5- Photo Copy of Charge-sheet No. 6/2002 dt. 29.6.2002 submitted in RC-10(A)/2001(R) dt. 9.8.2001 showing the concerned workman Sri A.K. Ojha as being not sent up for trial.

7. The Management has also not examined any witness but has proved the following documents which are marked as follows:-

Exhibit M-1- Photo copy of charge sheet dated 30/31-10-1996

Exhibit M-2, Photo copy of reply of concerned workman regarding charge sheet.

Exhibit M-3- Photo copy of order dated 09/12/2009 of Project Officer for holding enquiry against the concerned workman and appointment of R.N. Singh, Finance Manager as Enquiry Officer.

Exhibit M-3/1- Photo copy of Memo dated 12/13-11-1998 appointing R. Kujur Personnel Manager, CCL, Ranchi to hold enquiry as Sri R.N. Singh had been transferred.

Exhibit M-4(series)- Photo copy of notice dated 12/01/1999 of schedule date for holding enquiry and notice dated 28/01/1999

Exhibit M-5(series)- Photo copy of entire enquiry proceeding.

Exhibit M-6(series),-Photo copy of report of Enquiry Officer holding all the charges proved against the concerned workman.

Exhibit M-7- Photo copy of second show cause notice issued to concerned workman dated 05/07/2000.

Exhibit M-8- Photo copy Reply of concerned workman regarding second show cause notice.

Exhibit M-9- Photo copy of order dated 03/11/2000 regarding dismissal of concerned workman from service.

8. The learned lawyer of the concerned union Sri U.N. Lall has submitted before Court that the concerned workman had joined Sirka Colliery on 04/04/1994, so he was not In-Charge of the cashier since 01/01/1991 to 31/12/1994 for which the charge-sheet has been issued against him. He has also submitted that the concerned workman has been suspended on 28/09/1996 without finding anything against him and he was illegally dismissed on w.e.f. 03/11/2000. He has also argued that the C.M.D is the competent authority of dismissal of any workman but the order of dismissed has been issued by the project Officer against the established principles as laid down by the standing orders. He has also argued that the management had given disproportionate punishment to the concerned workman, so the award may be set aside with a direction for reinstatement of the concerned workman with full back wages.

9. On the other hand the learned lawyer of management of Sirka Group, CCL, Ranchi has submitted that the concerned workman had found the enquiry conducted against him as fair and proper vide order sheet dated 10/08/2017 and thereafter this Tribunal has only jurisdiction to consider whether the dismissal of the concerned workman was proportionate to the offence. He has also argued that there is an allegation of payment of 88.39 lakhs in fraudulent and false manner by the concerned workman during his period as cashier of Sirka Group of Colliery CCL, Ranchi and in course of enquiry all the charges levelled against him have been proved, so the dismissal of concerned workman is not disproportionate to the guilt. He has also submitted that the concerned workman is not entitled for any relief by this Tribunal.

Now, the only point of determination in this case is whether the action of the management of Sirka Group, Project Officer of M/s. BCCL in dismissing Sri A.K. Ojha from the services of the company w.e.f. 03/11/2000 is fair and justified and to what relief the concerned workman is entitled to.

FINDINGS

10. At the outset of discussion it is required to mention here that the concerned workman namely Sri A.K. Ojha has accepted the domestic enquiry held by the management as fair and proper vide order sheet dated 10/08/2017, so the Tribunal doesn't think it proper to discuss here the fairness of the enquiry conducted by the management.

11. In this case neither the sponsoring union/concerned workman nor the management has examined any witness, so there is no oral evidence available in this case. However both the parties have formally proved certain documents which are marked as Exhibit.

12. At this stage it is required to mention here that the Exhibit W-1 and Exhibit M-1, Exhibit W-2 and Exhibit M-2, Exhibit W-3 and Exhibit M-9 are same documents and both the parties have relied on those documents.

13. Now, after going through the statement of claim of sponsoring union/concerned workman and the written statement of management it is an admitted position that the concerned workman namely Sri A.K. Ojha was an employee of Sirka Group of Colliery of CCL, Ranchi and he was working as UDC/Cashier at Sirka Colliery CCL, Ranchi. Further there is also an admission by both the parties that management had issued charge-sheet dated 30/31-10-1996 (**Exhibit W-1 and Exhibit M-1**) to the concerned workman for excess payment of LTC/LLTC amounting to Rs. 88.39 Lakhs during the period 01/01/1991 to 31/12/1994 and the concerned workman had submitted his reply to the charge-sheet (Exhibit W-2 and Exhibit M-2) but the management after considering the reply held that there should be detailed enquiry in this matter and appointed a Enquiry Officer (Exhibit M-3/1) and after that notice was sent to the concerned workman fixing date of enquiry (Exhibit M-4).

14. The concerned workman in his statement of claim has challenged the proceeding of the enquiry as well as the genuineness of the enquiry report but after perusal of the Exhibit M-5 series which is copy of the enquiry report it appears that the concerned workman namely Sri A.K. Ojha had participated in the departmental enquiry along with his co-worker namely Mihir Chaudary and the witness of the management was cross-examined at length on 20/04/1999, 20/05/1999, 09/09/1999, 19/11/1999. Further the concerned workman has submitted his statement and the management had cross-examined him on 18/04/2000 at length.

It also appears that after conclusion of enquiry, the Enquiry Officer namely H. Kujur had submitted his enquiry report holding that the charge no. 1, charge no. 2, charge no. 3, charge no. 4 and charge no. 5 were proved against the concerned workman. Further the Exhibit M-7 shows that the concerned workman namely Sri A.K. Ojha had been given the copy of the enquiry report with a request to submit a representation, if any, within 7 days of receipt of this letter. Moreover, the Exhibit M-8 shows that the concerned workman namely Sri A.K. Ojha had submitted his representation before the Project Officer, Sirka denying all the charges levelled against him.

The management after analysing the enquiry report as well as the representation of the concerned workman namely Sri A.K. Ojha it has been considered to impose a penalty of dismissal from the service with immediate effect. (Exhibit W-3 & Exhibit M-9).

It is required to mention here that the sponsoring union/concerned workman has admitted that the departmental enquiry proceeding was fair and proper, so the Tribunal doesn't think it proper to go into the merit of the enquiry report at this stage.

Hence, the Tribunal comes to the conclusion that there is no illegality and impropriety in the departmental proceeding conducted by management against the concerned workman namely Sri A.K. Ojha (Exhibit M-5 Series).

15. The learned lawyer of the sponsoring union has submitted that the concerned workman was posted at Sirka Group of Colliery since 04/04/1994, so he is not liable for payment of excess with respect to 01/01/1991 to 03/04/1994 and he has relied on the Exhibit W-4 which is office order dated 04/04/1999 by which the concerned workman namely Sri A.K. Ojha was authorized to take charge of Cashier.

At this stage it is required to mention here that the Enquiry Officer had conducted the enquiry regarding payment of LTC/LLTC for the period of 01/01/1991 to 31/12/1994 and concerned workman had joined the post as UDC/ cash on 04/04/1994, so he was posted as cashier in Sirka Group of Mines at Argada since 04/04/1994 to 31/12/1994 and in that period too the Enquiry Officer had found excess payment of LTC/LLTC, so the argument advanced by the Ld. Counsel of concerned workman is not maintainable.

16. The learned lawyer of the sponsoring union has also submitted that in this matter, the C.B.I had registered a case as RC case no. 10(A) 2001 and nothing was found by a CBI in investigation against the concerned workman Sri A.K. Ojha, so the CBI had submitted charge sheet showing the concerned workman Sri A.K. Ojha has not sent up for trial.

In this regard it is required to mention here that since in departmental enquiry report all the charges against the concerned workman had been found proved and the action had been taken on the basis of that enquiry report, so it is not necessary that if no material had been found by the CBI in course of investigation no punishment could be awarded to the concerned workman, so this argument of Ld. Counsel of concerned workman is also not tenable.

17. The learned lawyer of sponsoring union/workman has also submitted that the punishment awarded to the workman is disproportionate to the charges proved against him.

It is relevant to mention here that altogether five charges were leveled against the concerned workman namely Sri A.K. Ojha and all the five charges were proved. Moreover all the charges leveled against the concerned workman namely Sri A.K. Ojha were very serious. Further the proved charges include requisitioning money from Area Account Office, Argada for payment of LTC/LLTC which included enormous fictitious payment, acceptance of vouchers after payment of LTC/LLTC with false signature and thumb impression, acceptance of vouchers by Sri Bishun Ram, not properly keeping the cash book and account of LTC/LLTC payment and fraudulent false and excess payment. Hence the punishment awarded to the concerned is not disproportionate to the charges levelled against him.

18. After considering all the facts and circumstances of the case the Tribunal comes to the conclusion that action of the management of Sirka Group of Project of M/s. CCL in dismissing Sri A.K. Ojha from service of the company w.e.f. 03/11/2010 is fair and justified and he is not entitled to any relief in this matter.

This is the Award of this Tribunal.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 18/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/86/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 18 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/86/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 18/2001**

Employer in relation to the management of Govindpur Area of M/s. BCCL

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri D.K. Verma. Advocate.

For the workman. : Sri S.C. Gour. Advocate.

State : Jharkhand.

Industry:- Coal

Dated 27.04.2020

AWARD

By Order No.L-20012/86/2000(C-I) dated 25/01/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management to deny employment to Sri Manoj Kumar Bhuiya S/o-Late Tilan Bhuiya under 9.3.2 of N.C.W.A.-V is justified? If not to what relief is the said dependant of the workman entitled?”

2. After receipt of the reference, both parties were noticed and both the parties appeared for certain dates but subsequently workman left taking step in this case. Further in course of hearing of the case, the Advocate of Sponsoring Union Sri S.C. Gour has informed that union is not interested in contesting the case. It is felt that the workman has lost its interest in this matter. Hence “No dispute” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ सं. 28/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/227/2004-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 28 of 2005) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/227/2004-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 28/2005**

Employer in relation to the management of Kuya Colliery, Bastacola Area of M/S. B.C.C.L

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri D.K. Verma. Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated:29.05.2020

AWARD

By Order No.L-20012/227/2004-IR (C-I) dated 31/03/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether deployment of Shri R.L. Dewadi, Bill Clerk of Kuya Colliery, Bastacola Area of M/s. BCCL to the provident fund department w.e.f. 30.10.2000 tantamount to change in service condition and/or designation involving higher nature of duties? If so, whether the demand of the Rashtriya Colliery Mazdoor Sangh to regularize him as P.F. Clerk in just, fair & legal? If so, what directions are necessary in this regard?”

2. After receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. However, the management has appeared in this case. Case is pending since 25/04/2005 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इंडियन स्कूल ऑफ माइन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 56/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/393/1998-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 773.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 56 of 1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. Indian School of Mines and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/393/1998-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947**Reference: No. 56/1999**

Employer in relation to the management of Indian School of Mines, Dhanbad

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri Sanjay Kumar Sinha. Advocate

For the workman. : None

State : Jharkhand.

Industry :- Coal

Dated : 26.02 .2020

AWARD

By Order No.L-20012/393/1998-IR(C-I) dated 17/04/1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Sri Raj Kumar Rajhans, Ex-Employee of ISM, Dhanbad for permanent absorption in the employment of ISM, Dhanbad is justified? if so, to what relief these workman is entitled to?”

2. After receipt of the reference, both parties were noticed and both parties appeared before Tribunal for certain dates, but subsequently the workman/union left appearing before the Tribunal. Thereafter again three regd. notices were issued to concerned union/workman and one of the notices returned undelivered. Now the Case is pending since 19/05/1999 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 60/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/444/1994-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 774.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 60 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/444/1994-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 60/1997**

Employer in relation to the management of Bhurungia Project of M/s. BCCL.

AND**Their workmen****Present:** Shri Dinesh Kumar Singh, Presiding Officer.**Appearances:**

For Employer : Sri D.K. Verma. Advocate.

For workman : Sri Shekhar Sharma, Advocate.

State : Jharkhand.

Industry:- Coal

Dated : 26.05.2020

AWARD

By Order No. L-20012/444/1994-IR(C-1) dated 21.02.1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the claim of the union that Sh. Mangu Kumhar and thirty others (as per list enclosed) were working at Bhurungia Project since 1985 is correct? If so, whether these workmen are eligible for regularization by the management of Bhurungia Colliery? If so, to what relief are they entitled?”

List of the workmen

- | | |
|-----------------------|-------------------------|
| 1. Mangu Kumhar | 2. Nageshwar Paswan |
| 3. Rushan Rawani | 4. Jhari Rawani |
| 5. Parmeshwar | 6. Sadhu Rawani |
| 7. Dhaneshwar Rawani | 8. Girja Rawani |
| 9. Ghanshyam | 10. Kista Bouri |
| 11. Kajal Gope | 12. Shankar Singh |
| 13. Sheo Nath Rawani | 14. Khuttu Kumhar |
| 15. Dhiraj Rawani | 16. Tuntun Rewani |
| 17. Basdeo | 18. Budhan Mahato |
| 19. Bhukhal Rawani | 20. Haradhan Rawani |
| 21. Bhuneshwar Rawani | 22. Jhantu Rawani |
| 23. Haru Kumhar | 24. Gulu Kumhar |
| 25. Pradeep Banerjee | 26. Bankim Chand Mahato |
| 27. Laxmi Kant Mahato | 28. Bhima |
| 29. Babulal Rawani | 30. Ashok |
| 31. Manohar | |

2. The Tribunal in this matter has passed an award on 27/07/2015 holding that the demand of the union for regularization of the concerned workmen is not justified and the workmen being aggrieved by the said award filed a writ petition bearing WP (L) No. 1904/2016 before the Hon'ble Jharkhand High Court. The Hon'ble

Jharkhand High Court has been pleased to set aside the said award and has been pleased to remand the matter for passing fresh award after due appraisal of the evidences already on record.

3. After production of the order of Hon'ble Jharkhand High Court passed in WP(L) No. 1904/2016, notice was issued against management and subsequently management appeared before the tribunal.

Further in the light of direction of Hon'ble Jharkhand High Court, both the sides was heard a fresh.

4. The claim of Bihar Colliery Mazdoor Sabha representing the workmen is as follows:-

That Mangu Kumhar and 30 others workmen had been working as stone cutters at Bhurungia Project from 1985 and the management had engaged them for stone cutting in the underground against permanent vacancy. The stone cutting works were being done by regular workers of BCCL in other collieries who were paid Cat-V wages and other allowances as prescribed under coal wages agreement from time to time. The concerned workmen had been paid Rs. 1250/- per month whereas a regular worker for the same work had been paid Rs. 24.50 per day and other allowances. The management of Bhurungia Project had deprived the concerned workmen of their proper wages and other benefits enjoyed by the regular workers. The stone cutting works was of regular and perennial in nature for which regular workers were engaged in all BCCL Collieries under National Coal Wages Agreement. The concerned workmen worked under the control and supervision of the colliery officials such as Overman and Mining Sardar who supervised the works and quantity done by these concerned workmen, so the concerned workmen in fact and in law were the employee of M/s. BCCL. There had been employer- employee relationship existing between these concerned workmen and the management of BCCL and on demand of concerned workmen for their regularization in service, they were stopped from discharging their duties since 03/01/1992.

A dispute has been raised by the Union before Assistant Labour Commissioner, Dhanbad and on failure of the conciliation, a reference has been made to this Tribunal.

A prayer has been made for holding the concerned workmen as direct & regular employees of M/s. BCCL and for issuance of direction to the management of BCCL to give employment to the concerned workmen on the job they had been working with continuity of their service and all other benefits.

5. On the other hand the case of the management M/S. BCCL as per written statement is as follows:-

That there is no employer-employee relationship ever existed between the management and the concerned workmen. The concerned workmen had never worked at Bhurungia Project from 1985 on any job whatsoever. The sponsoring union has advanced a vague claim at the time of conciliation proceeding that the concerned workmen had worked as stone cutter at Bhurungia Project from the year 1985 but failed to produce any material before the conciliation officer to establish prima-facie case for sending the same to the Industrial Tribunal for adjudication. The conciliation officer didn't find any merit to recommend the case for reference to an Industrial Tribunal for adjudication and subsequently the Central Government refused to entertain the claim of the concerned workmen by referring the same for adjudication to Industrial Tribunal.

The Hon'ble High Court by order dated 16/12/1996 has been pleased to observe in CWJC No. 338 of 1996 (R) that the appropriate Government should refer the case to the Industrial Tribunal for adjudication so as to give opportunity to the sponsoring union to claim that the concerned workmen had worked as stone cutter at Bhurungia Project from 1985.

A prayer has been made to pass an Award holding that the concerned workmen are not entitled to any relief.

6. The sponsoring union representing the workmen has filed rejoinder to the written statement of the management in which all the averments of the management have been denied.

7. The workman has examined only one witness. He is WW-1 Mangu Kumhar.

The WW-1 Mangu Kumhar has deposed before the Court that he was one of the employees related to this case and he along with 30 other workers were working as stone cutter in Chanak No.5 of Bhurungia Project from 1985 to 1991. He has further stated that he and all other workers had worked for 190 days during the aforesaid period and their attendance had been marked by the authorised person. He has also stated that the Mining Sardar and Overmen used to supervise his and other co-workers work and they had been paid their remuneration in colliery office. He has also stated that he and other co-workers were paid Rs. 1250/- per month and in this regard a certificate had been issued by the Project Officer of Bhurungia Project mentioning therein that he and 30 other workers had worked in the colliery since 03/02/1985 to 31/12/1991 as stone cutter on payment of Rs. 1250/- per month as salary and deposit amount was Rs. 32,145/-. He has also stated that the said certificate was signed by Shri Vijaynath, Project Officer. He has also stated that attendance of his and other

co-workers were marked on Form 'C' Register which was signed by Shri Vijaynath, and he has produced the photo copy of the same of month April 1991. He has also stated that he has submitted photo copy of Cap Lamp register of month of June 1991 which was signed by Sri B. Benerjee. He has also stated that the original Form 'C' register has been kept by the management in the colliery but the same has not been produced before the Tribunal. He has also deposed that he and other co-workers demanded their regularization in service and subsequently he and other co-workers were stopped from discharging duties in the year 1992. He has also stated that services of his and other co-workers be regularized with payment of back wages.

In the cross-examination he has stated that he couldn't say that any writ petition was filed before the Hon'ble High Court, Patna. He has also stated that he has no paper to show that he has been appointed in Bhurungia Project. He has further stated that he has not received any pay slip for such work and he has not received I.D. Card as well as P.F. Number. He has denied the suggestion that his demand is not justified.

8. The workman/union has proved the following documents which are marked as:-

Exhibit W-1 - A Photo Copy of Form 'C' register in which names of 31 workers have been mentioned.

Exhibit W-2 - A Photo Copy of certificate issued by Project Officer Bhurungia Colliery.

9. The management has examined only one witness. He is Jatadhari Roy. The MW-1 Jatadhari Roy has deposed before Court that the Bhurungia Project of M/s. BCCL is not in operation from 1995 and all the records of Bhurungia Project were transferred to Lohapatti Colliery and all the matters to Bhurungia Project were being dealt by the management of Lohapatti Colliery. He has also deposed that at present he is working as Clerk in Personnel Section of Lohapatti Colliery of BCCL and he has full knowledge about the present case. He has also stated that there was no employer-employee relationship ever existed between the management and concerned workmen and the concerned workmen never worked at Bhurungia Project from the year 1985. He has further stated that the sponsoring Union has advanced a vague claim at the time of conciliation proceeding that the concerned persons had worked as stone cutter at Bhurungia Project from the year 1985 but failed to produce any material before the conciliation officer. He has also stated that the conciliation officer did not find any merit to recommend the same for reference to an Industrial dispute for adjudication. He has also stated that the concerned workmen were never employed by the management in any kind of job and the claim of Union for regularization of concerned workmen is not correct.

In the cross-examination he has deposed that he couldn't say the date when the Project was stopped. He has also stated that it was working till June 1995. He has also stated that he was working in Lohapatti Colliery as a Personnel Clerk from 1985 to 1991. He has also stated that there are four collieries under Mahuda Area and Lohapatti Colliery comes under the jurisdiction of Mahuda Area. He has further stated that in Mahuda Colliery Area there was no provision of casual workers but for work contract was given. He has also stated that M. Ansari was one of the Project Officer working from 1985 to 1991.

10. The management has not proved and exhibited any documents in its support.

11. The representing of Union of the workmen has submitted before the Tribunal that all the concerned workmen were working as stone cutter in Bhurungia Colliery from 1985 to 1991 against the regular post of stone cutter as per NCWA. He has further argued that the concerned workmen were regularly paid their salary of Rs. 1250/- per month and their works were regularly supervised by the Mining Sardar and Overman. He has also argued that an employer-employee relationship existed between the concerned workmen and the management of BCCL but in the year 1992 the workmen demanded their regularization from the management of the BCCL and subsequently they were stopped from discharging their duties. He has made prayer to pass an Award for regularization of all the 31 concerned workers with payment of back wages.

12. The representative of the union has relied on the decision of Hon'ble Supreme Court as reported in ***FLR 528 2012 (132) H.S. Rajashekara Vs. State Bank of Mysore and others***. Further, the representative of the workman/union has also relied on the decisions as ***FLR 926 2012 (132) Horticulture Department, Delhi Vs. Rajinder Prasad and others. 2012 (133) FLR 463 Ram Chandra Yadav and State of U.P. and others. 2012 (132) FLR 688 Director Food and Supplies, Punjab and others Vs. Parkash Singh. 2012 (132) FLR 258 Orrisa Mining Corporation Ltd Vs. Presiding Officer, CGIT-Cum-Labour Court, Bhubaneswar and another.***

13. On the other hand the learned lawyer of the management has submitted before the Tribunal that the concerned workmen had never been appointed by the management of BCCL and there was no employer-employee relationship between them. He has also submitted that the concerned workmen had never been appointed by Bhurungia Colliery and the concerned workmen had not produced any documents to show that they had been appointed by the management of Bhurungia Colliery. He has also submitted that the sponsoring Union has advanced a vague claim and they are not entitled for any relief by this Tribunal.

14. Now the only point of determination in this case is whether the claim of the Sponsoring Union that Sri Mangu Kumhar and 30 other workers working at Bhurungia Project from 1985 is correct and if so, whether these workmen are eligible for regularization by the management of Bhurungia Colliery and to what relief they are entitled to.

FINDINGS

15. It is the pleading of the Union/Workman that the concerned workmen had worked in Bhurungia Project of BCCL for more than one ninety days, so they are eligible for regularization.

16. In this context it is relevant to mention here the provisions of Section 25-B of the I.D. Act. The Section 25-B of I.D. Act reads as follows:-

25-B. **Definition of continuous service** – For the purpose of this Chapter,-

- (1) A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer-
 - (a) for a period one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than –
 - (i) one hundred and ninety (190) days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case;
 - (b).....

17. In the light of pleading of the Union/workman and the provision of law of I.D. Act it is required to discuss the oral and documentary evidence available in this case.

18. At the outset of discussion it is required to mention here that out of thirty one workers only one workman namely Mangu Kumhar has been examined as WW-1 on behalf of all the concerned workmen.

19. The WW-1 Mangu Kumhar has categorically deposed that he and 30 other workers were working as stone cutter in Chanak No. 5 of Bhurungia Project from 1985 to 1991 and all of them had worked for 190 days during the aforesaid period. He has also stated that their attendance had been marked by authorized person and they had worked under Mining Sardar and Overman. He has further deposed that he and other workers had been paid Rs. 1250/- per month and he has produced a photo copy of Form 'C' Register of the month of April 1991, on which the attendance of workers were marked. He has also stated that he has submitted photo copy of Cap Lamp Register for the month of June 1991 which bears the signature of Sri B. Banerjee.

In the cross-examination he has stated that he has no paper to show that he was appointed in Bhurungia Project and he has no pay slip for such work. He has also stated that he has not got I-Card and P.F. Number.

The MW-1 Jatadhari Roy has deposed that Bhurungia Project of M/s. BCCL was not in operation from 1995. He has further deposed that there was no employer-employee relationship ever existed between the management and the concerned workman and the concerned workman never worked at Bhurungia Project from 1985.

20. It is required to mention here that the concerned workman/union has not produced any appointment letter issued by the Management of Bhurungia Colliery of M/s. BCCL regarding their appointment as a stone cutter in the Colliery. Further the union/workman has not produced any I-Card of the Company as well as Provident Fund Number before the Tribunal. Moreover in absence of appointment letter, I-Card and PF Number it can not be said that the concerned workmen were appointed by the management of M/S BCCL, Dhanbad.

21. Now, coming to the documentary evidence it appears that Exhibit W-1 is the photo copy of Register of Persons in Below Ground Working with heading of casual mazdoor and it bears names of thirty one workers of which some names are legible and some names are not legible. Further Exhibit W-1 doesn't bear the specific date on which the concerned workman had worked in the Company. Moreover the photo copy of Lamp Register shows that Cap Lamp had been issued to the concerned workman for one month and there is no Attendance Register which shows that they have worked for 190 days.

Further the Exhibit W-2 is a photo copy of certificate issued by Project Officer Bhurungia in which the name of all 31 workers are mentioned as they were working since 03/02/1985 to 31/12/1991 as a stone cutter @ Rs. 1250/- per month as a Casual Mazdoor but the signature of the Project Officer is not clear and no name has been mentioned under his signature on the Exhibit W-2. Moreover it does not bear any memo no of issuing office.

22. Now after perusal of Exhibit W-1, it appears that it is photo copy of Register of Persons of Below Ground Working in which name of 31 persons have been mentioned but the concerned workman/union has not produced the original copy of this document. Further Exhibit W-2 which is also photo copy of certificate mentioning therein that the concerned workmen were working as a casual labours in the Colliery of Bhurungia on payment of Rs. 1250/- per month but the concerned workman/union has not produced the original copy of this certificate.

In view of above discussion the Exhibit W-1 and Exhibit W-2 do not inspire confidence, so both the documents are not trustworthy and reliable.

Under such circumstances there is no documentary evidence that the concerned workmen had been working as stone cutter in Bhurungia Project from year 1985 to 1991 which is more than 190 days as stipulated u/s 25-B (2) (a) (i).

23. Now, in the light of above discussion the Tribunal finds that in this case there is no cogent and convincing evidence that the concerned workmen had continuously worked as stone cutter from 1985 to 1991 in the Bhurungia Colliery of BCCL.

24. It is relevant to mention here that the Hon'ble Supreme Court in the case H.S. Rajashekara Vs. State Bank of Mysore & Another as reported in 2012 (132) FLR 688 has been pleased to hold that this decision shall not be treated as precedent as the same has been rendered keeping in mind the peculiar facts and circumstances of this case.

Further, the other decisions of different Hon'ble High Court as relied by the representation of Union/Workman are related to regularization of service of a workmen on continuous service of two hundred and forty days.

25. At this stage it is required to mention here that *the Hon'ble Supreme Court in the case Madhyamik Shiksha Parishad vs. Anil Kumar Mishra, reported in (2005) 5 SCC 122*, has been pleased to hold specially in Paragraph No. 5 as under:-

"5. We are unable to uphold the order of the High Court. There were no sanctioned posts in existence to which they could be said to have been appointed. The assignment was an ad hoc one which anticipatedly spent itself out. It is difficult to envisage for them the status of workmen on the analogy of the provisions of the Industrial Disputes Act, 1947, importing the incidents of completion of 240 days' work. The legal consequences that flow from work for that duration under the Industrial Disputes Act, 1947, are entirely different from what, by way of implication, is attributed to the present situation by way of analogy. The completion of 240 days' work does not, under that law import the right to regularisation. It merely imposes certain obligations on the employer at that time of termination of the service. It is not appropriate to import and apply that analogy, in an extended or enlarged form here."

It has further been held by the Hon'ble Supreme Court in the case of *M.P. Housing Board vs. Manoj Shrivastava, reported in (2006) 2 SCC 702*, specially in Paragraph No. 17 as under:-

"17. It is now well settled that only because a person had been working for more than 240 days, he does not derive a legal right to be regularised in service.

(See Madhyamik Shiksha Parishad, U.P. vs. Anil Kumar Mishra; Executive Engineer, ZP Engineering Divn. vs. Digambara Rao; Dhampur Sugar Mills Ltd. vs. Bhola Singh; Manager, Reserve Bank of India vs. S. Mani and Neeraj Awasthi.)"

It has further been held by the Hon'ble Supreme Court in the case of *Post Master General, Kolkata vs. Tutu Das (Dutta)*, reported in (2007) 5 SCC 317, especially in Paragraph No. 16 as under:-

"16. The short order which was the subject-matter of decision of this Court in Debika Guha also stood overruled in Umadevi (3). We may at this stage also notice that the concept of 240 days to be the cut-off mark for the purpose of regularisation of services came up for consideration of this Court in Madhyamik Shiksha Parishad v. Anil Kumar Mishra wherein it was clearly laid down that the completion of 240 days of continuous service in a year would be attracted only in a case where retrenchment has been effected without complying with the provisions contained in Section 25-F of the Industrial Disputes Act, but would not be relevant for regularisation of service."

It has further been held by the Hon'ble Supreme Court in the case of *Hindustan Aeronautics Ltd. Vs. Dan Bahadur Singh*, reported in (2007) 6 SCC 207, especially in Paragraph No. 18 as under:-

"18. The next question which requires consideration is whether completion of 240 days in a year confers any right on an employee or workman to claim regularisation in service. In Madhyamik Shiksha Parishad vs. Anil Kumar Mishra it was held that the completion of 240 days' work does not confer the right to regularisation under the Industrial Disputes Act. It merely imposes certain obligations on the employer at the time of termination of the services. In M.P. Housing Board vs. Manoj Shrivastava (para 17) after referring to several earlier decisions it has been reiterated that it is well settled that only because a person had been working for more than 240 days, he does not derive any legal right to be regularised in service. This view has been reiterated in Gangadhar Pillai vs. Siemens Ltd. The same question has been examined in considerable detail with reference to an employee working in a government company in Indian Drugs & Pharmaceuticals Ltd. vs. Workmen and paras 34 and 35 of the report are being reproduced below: (SCC p.426)

"34. Thus, it is well settled that there is no right vested in any daily wager to seek regularisation. Regularisation can only be done in accordance with the rules and not dehors the rules. In the case of E. Ramakrishnan v. State of Kerala this Court held that there can be no regularisation dehors the rules. The same view was taken in Kishore (Dr.) v. State of Maharashtra and Union of India v. Bishamber Dutt. The direction issued by the services Tribunal for regularising the services of persons who had not been appointed on regular basis in accordance with the rules was set aside although the petitioner had been working regularly for a long time.

35. In Surinder Singh Jamwal (Dr.) v. State of J&K it was held that ad hoc appointment does not give any right for regularisation is governed by the statutory rules."

The Hon'ble Jharkhand High Court has been pleased to observe in L.P.A No. 268/2012 which is as under:-

"(xiv) Be that as it may, even assuming without admitting that this appellant has worked more than 240 days in couple of years, then also, his services cannot be regularized. 240 days' working is not a magic bond which converts illegal appointment into the legal appointment. In fact, 240 days working has nothing to do with the regularization at all. 240 days working has got reference under Section 25-B of the Industrial Disputes Act, 1947 for calculation of continuous years of service and nothing beyond that. Unnecessarily several times the Labour Court or the Industrial Courts are committing an error that if any worker has completed 240 days, their services should be regularized. In fact, there is no casual connection at all between the working of 240 days and right of regularization. Illegality in the appointment cannot be diluted by the working of 240 days. Illegality in the appointment continues, even if, the worker has worked for 240 days."

The Hon'ble Jharkhand High Court has been further pleased to hold as follows:-

"Whenever any employment is given unauthorizedly, in the respondent-UCO Bank, Hirapur, Dhanbad, such type of employment cannot be converted into a regular employment unless there are rules for regularization or scheme for regularization. In the facts of the present case, there are no

rules of regularization nor there is any scheme of regularization floated by the UCO Bank. In absence of such type of law, the charity shown by the Court will be cruelty to others. If such type regularization is allowed by the Courts, it will provide encouragement to those who are adorning high-ranking administrative position to give illegal appointment and later on, to get them regularized by the orders of the Courts. A thing which cannot be done directly, can never be done indirectly. If no employment can be given without there being any advertisement and without there being any recruitment process, the Court cannot be a party to illegal regularization of such employee."

26. In view of the decision of Hon'ble Supreme Court and Hon'ble Jharkhand High Court as discussed above, the concerned workmen are not entitled for regularization of their service in Bhurungia Project of M/s. BCCL.

27. Under such circumstances, the Tribunal comes to the conclusion that the claim of the union that Mangu Kumhar and 30 others were working at Bhurungia Project from 1985 is not correct and they are not eligible for regularisation by the management of the Bhurungia Colliery. Further they are not entitled for any other relief.

This is the Award of this Tribunal.

D.K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 104/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/165/2002-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 775.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 104 of 2002) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. CCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/165/2002-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 104/2002

Employer in relation to the management of Jarangdih Colliery of M/s. CCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand.

Industry:- Coal

Dated : 28.04.2020

AWARD

By Order No. L-20012/165/2002-IR (C-I) dated 07/10/2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Jarangdih Colliery of M/s. CCL Ltd. to dismiss Shri Goma, Trammer Cat-II is just fair and legal? If not to what relief is the workman concerned entitled?”

2. After receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now the Case is pending since 16/10/2002 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2020

का. आ. 776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 142/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/505/1999-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 2nd September, 2020

S. O. 776.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 142 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 27.08.2020.

[No. L-20012/505/1999-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 142/2000

Employer in relation to the management of Baroda Coal Washery of M/s. BCCL.

AND**Their workman**

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand.

Industry:- Coal

Dated : 25.02.2020

AWARD

By Order No. L-20012/505/1999-IR (C-I) dated 01/03/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या बी.सी.सी.एल., बरोड़ा क्षेत्र वाशरी के प्रबंधन द्वारा एक ही विभागीय पदोन्नति समिति द्वारा रकमों दिए गए कर्मकारों को दो अलग अलग आदेशों दि: 03.04.91 तथा 27.06.91 द्वारा पदोन्नत किए जाने से संबंधित कर्मकारों की वरिष्ठता डिस्टर्ब हुई है? क्या प्रबंधन द्वारा ऐसा किया जाना कैडर स्कीम, जारी प्रक्रिया के अनुरूप, विधिवत एवम न्यायोचित है? तथा इस संबंध में क्या निर्देश दिये जाने आवश्यक है?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter regd. notices were issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 13/03/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स पासपोर्ट कार्यालय, उत्तराखंड, फरीदाबाद और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 12/2018) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.07.2020 को प्राप्त हुए थे।

[सं. एल-42012/69/2017-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 777.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2018) of the Central Government Industrial-Tribunal-cum Labour Court New Delhi-1 as shown in the Annexure, in the Industrial dispute between the employers in relation to The Passport Office, Uttarakhand. & Others, and their workmen which were received by the Central Government on 01.07.2020.

[No. L-42012/69/2017-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 2: NEW DELHI**

PRESENT : SMT. PRANITA MOHANTY, Presiding Officer, CGIT-cum-Labour Court-II,
New Delhi.

INDUSTRIAL DISPUTE CASE No. 12/2018

Date of Passing Award : 8th January, 2020

1. Ms. Shilpi,
r/o. Village & Post Office Majra,
Dehradun 248171.
2. Ms. Shivani Singhal,
r/o. Village & Post Office Majra,
Dehradun 248171

3. Mr. Varun Sharma,
Rishikesh Colony, Rishikesh,
District Dehradun,
Dehradun 249201.

...Workmen

Versus

1. The Passport Office,
Passport Office,
Near MKP College,
Uttarakhand.
2. The Managing Director,
S-2 Infotech Pvt. Ltd.,
6th Floor, G Wing, Trade World,
Kamla Mill Compound,
SB Marg, Lower Parel,
Mumbai 400003.

...Managements

Appearances :-

None : For the Workman

Ms. Namita Mahapatra, Proxy A/R : For the Management No.1&2

AWARD

On receipt of reference from the Ministry of Labour, Government of India vide letter No. L-42012/69/2017-IR(DU) dated 29.01.2018 followed by corrigendum letter dated 5/2/2018, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (in short "the Act") notices were issued to the parties for adjudication of an industrial dispute, terms of which are as under:

'Whether the action of the management of National Institute of M/s S2 Infotech Pvt. Ltd. in terminating the services of the three workmen Ms. Shilpi, Ms. Shivani Singhal and Shri Varun Sharma is illegal and unjustified. If so, then what relief the workmen are entitled to?'

2. In response to the notice, all the workmen/claimants appeared in person and filed their statement of claims separately but on similar lines, averring that they were serving as Data Entry Operator/s in the Passport Office on contractual basis. Ms. Shilpi and Ms. Shivani were engaged in the year 2009, whereas the workman/claimant Varun Sharma was engaged in the year 2014. The work and conduct of the workmen was satisfactory and a certificate to that effect was issued by the Passport Office, Dehradun. However, all of a sudden on 3rd September, 2015 at about 3 PM the claimants/workmen were intimated through the contractor company M/s S2 Infotech Pvt. Ltd. that their services were terminated from Passport Office. When they wanted to know the reason for their termination, Passport Officer replied that they had misbehaved with him and that is why they are being terminated. He even threatened the workmen with consequence and ruining their career. The allegation of misbehavior imputed against the workmen by Shri Vijay Shankar Pandey, Passport Officer, Dehradun is false and wrong, because the workmen had never derelicted their duties. The claimant Varun Sharma has pleaded that on 2/9/2015 while he was busy in doing his work, after about 11-45 AM Ms. Archana Mishra, (official of Passport Office) came to his seat, started shouting at him that he does not know how to give respect to the senior, as he had not wished her "good morning" and asked him to deposit the mobile phone, despite the fact that he was not at fault. Even Shri Vijay Shankar Pandey, the then Passport Officer had misbehaved & insulted him without any reason, just to favour Ms. Archana Mishra. The workmen have pleaded that the Management No.2 terminated the services of the workmen Ms. Shilpi and Ms. Shivani w.e.f. 30/9/2015, whereas services of workman Varun Sharma were terminated w.e.f. 10/9/2015 without any reason on baseless allegations, despite the fact their re-employment/re-engagement was upto 31/9/2016. It is also pleaded that Management No.2 in violation of labour laws did not provide them benefit of any sick leave or overtime allowance for performance of duties on Saturdays and Sundays. The claimants/workmen are not well off and have by now got tired to have a long fight for justice. They have prayed for justice.

3- Management No.1 filed written statement, contesting the case of the workmen/claimants inter-alia on the grounds the claimants were neither the employees of Management No.1, nor were terminated by the Management No.1 rather they were deployed at Passport Office, Dehradun by the outsourced agency M/s S-2 Infotech Pvt. Ltd., Mumbai i.e. Management No. 2 in whose favour a contract was awarded for providing Data

Entry Operators in various Passport Offices. As such, there is no relationship of master and employee between the Management and claimants, as the claimants were engaged by outsourced agency M/s S-2 Infotech Pvt. Ltd.

4- Management No. 2 filed separate written statements to the statement of claims of the workmen/claimants but almost with similar pleas. Denying each and every allegations of the workmen, it is stated that the claimants were appointed at the position of a DEO (Data Entry Operator) at base salary of Rs.1,28,604/- per annum by the Management No. 2. vide its offer of contractual employment dated 23/7/2013, effective from 1/8/2013 till 31/7/2014. Since last drawn wages of the workmen/claimants exceeded the threshold of Rs.10,000/- per month and their nature of employment was managerial in nature, the claimants falls within the purview of the exclusion set out in Section 2(S) of the Act. It is also stated that clause 10 of the said Offer of contractual employment clearly stated that the contract can be terminated by either party after giving one month's notice. The conduct of the workmen/claimants included acts like refusal to work, disobedience of the orders of superior officer, wrongfully interfering with the work of other co-associates, improper acts within the office premises, using abusive language, willful absence from office etc. The misconduct, misbehavior and repeated complaints against the workmen/claimant from the employees of Management No. 1 left no option with the Management No. 2 but to terminate their services and same was done as per clause 10 of the offer of contractual employment, by giving 1 month advance notice to the claimants. As such, the case of the workmen does not fall within the meaning of retrenchment and in fact falls in the exclusion set out in Section 2(oo)(bb) of the Act. The claimants raised false and malicious claims, suppressing all the material facts. Prayer has been made for rejection of the claim petition/s.

5. Since no rejoinder was filed on behalf of the claimants, following issues were framed in this case on 11/1/2019 :-

- (1) Whether the proceeding is maintainable?
- (2) Whether the claimants fall within the definition of workmen defined under Section 2(S) of ID Act ?
- (3) Whether the termination of the claimants from service is legal and justified ?
- (4) Whether the claimants are entitled to reinstatement with back wages ?
- (5) To what other relief the parties are entitled to ?

6. Perusal of the record shows that despite number of opportunities granted to the workmen/claimants to adduce evidence in support their case regarding illegal termination of their services by the Management No. 2, none of them came forward to lead any evidence for the reasons best known to them. It is a matter of record that the claimants had chosen the course not to participate in the proceedings from 25/5/2018 onwards. As a matter of precaution, fresh notices of appearance were issued to the claimants through registered post for 14/10/2019 but despite that, none of the claimants caused appearance either on 14/10/2019 or on subsequent date of hearing. Hence, this Tribunal was left with no option but to close evidence of the claimants vide order dated 19/12/2019. Since the claimants themselves did not adduce any oral or documentary evidence to prove their case, A/R for the Management chose not to lead any evidence.

7. At the outset it is mentioned that onus was upon the claimant/workman to prove that their services were illegally & unjustifiably terminated by Management No.2 at the instance of Management No. 1 and that they are entitled to get relief of reinstatement into service with back wages. The workman/claimant has failed to discharge the onus. Since the workmen/claimants were/are not interested to prosecute their case on merits, it seems that dispute between the parties does not survive any more. In view of the fact that the claimants have not led any evidence in support of their case, this Tribunal is constrained to pass "No Dispute Award" in the matter. Award is passed accordingly.

Let a copy of this Award be sent for publication as required under Section 17 of the Act.

Dictated & corrected by me.

8th January, 2020

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स डिवीजनल इंजीनियर, बी एस एन एल, गुडगांव और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली -1 के पंचाट (संदर्भ संख्या 55/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.07.2020 को प्राप्त हुए थे।

[सं. एल-40012/12/2009-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 778.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2009) of the Central Government Industrial-Tribunal-cum Labour Court New Delhi-1 as shown in the Annexure, in the Industrial dispute between the employers in relation to The Divisional Engineer, BSNL, Gurgaon. & Others, and their workmen which were received by the Central Government on 01.07.2020.

[No. L-40012/12/2009-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 55/2009**Date of Passing Award- 24th January, 2020****Between:**

Shri Sunder Singh,
S/o Shri Ram Singh
R/o Village Gaddhi Harsaru,
Gurgaon.

... Claimant

Versus

The Divisional Engineer,
BSNL,
Telephone Exchange, Delhi Road,
Gurgaon.

...Management

Appearances:-

Shri Rupesh (A/R) : For the claimant

Shri Pradeep Mathur (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of BSNL, Gurgaon and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-40012/12/2009 (IR(DU)) dated 03.09.2009 to this tribunal for adjudication to the following effect.

“Whether the action of the management BSNL, Gurgaon in terminating the services of their workman, Shri Sunder Singh w.e.f 17.04.2006 is legal and justified? If not, what relief the workman concerned is entitled to?”

The claimant filed his claim statement pleading inter alia that he was appointed as a helper in the respondent/management in February 2003 and drawing monthly salary @2000/- alongwith admissible TA and DA revised from time to time. During course of his engagement he had rendered service for more than 240 days in a calendar year to the full satisfaction of the employer and thus was in continuous service of the management. On 17.04.2006 the management illegally terminated his service without assigning any reason and while doing so intentionally omitted to follow the procedure of labour law laid u/s 25F of the ID Act. The said action of the management was illegal as no termination notice, notice pay, or compensation was paid to him. Since the date of termination the workman is unemployed. Finding no other remedy he served a demand notice on the management and raised a dispute before the Labour Commissioner where conciliation was taken up. The conciliation failed and the appropriate government referred the matter to this tribunal for adjudication. The claimant has prayed that a direction be issued to the management for reinstating him in service with continuity and payment of back wages alongwith other consequential benefits.

Notice being served the management BSNL appeared and filed WS denying the stand taken by the claimant/workman. While denying the employer employee relationship between the management and the workman it has been pleaded that that the claimant was never appointed by the management nor he had rendered continuous service for more than 240 days in a calendar year as claimed by him. The specific plea of the management is that it is a statutory corporation owned and controled by the Government of India. It is not an industry as per the definition of ID Act. The government owned company has its own Rules and Regulations for recruitment of the employees in different cadre which has been approved by the Government of India. On 10.01.2003 the General Manager Telecom District BSNL and M/s Keshav Security Services New Delhi had entered into an agreement for upkeep of Telecom installation in Telecom Exchange of Gurgaon Telecom District after approval of the tender. The said contract was valid for a period of one year from February 2003 to July 2004. The workman was engaged by the said contractor for attending some casual works. In clause 8 and clause 15 of the said agreement there were specific clauses stipulating that the acceptance of the tender for engagement of aforesaid work shall not entitled the contractor or anybody employed by him for the purpose of future absorption or employment in BSNL and the manpower so deployed by the contractor will have no claim whatsoever for absorption in BSNL later on. The other stand taken by the management is that the claimant was working casually and was being paid on the contingency of the work and his duty was never continuous nor he was the employee of the management. Thus, the management has pleaded that his claim for reinstatement has no merit. Dispute has also been raised by the management about the belated service of demand notice on the management on 12.10.2007. It has also been pleaded that the claimant since had admitted before the conciliation officer about his engagement through the contractor, the prayer for reinstatement made in this proceeding is liable to be dismissed.

By filing corrigendum the workman challenge the stand of the management and also apleaded that initially for one year he was working under the contractor. But in the year 2004 he was taken by the management in its payroll and worked as such till 17.04.2006 when his service was terminated illegally. During this period i.e from August 2004 to 17.04.2006 he was getting salary from BSNL directly and during this period he had worked for more than 240 days in a calendar year and thereby acquired the status of a temporary employee. He has also pleaded that the J.T.O of the management was paying his salary every month and the management was maintaining the record to that effect. In order to deprive him of his legal rights the management is suppressing the truth and withholding the documents.

On the rival pleading the following issues were framed.

- (1) Whether there exists any relationship of employer and employee.
- (2) As per terms of the reference.

The claimant examined himself as WW1 and exhibited the photocopies of the vouchers showing payment to him by the management during the relevant period which have been marked in a series of WW1/1 to WW1/57. The AGM legal of the management testified as MW1 and proved two documents marked as MW1/1 to MW1/2. MW1/1 is a representation made by a workman to the secretary/ Chief Labour Commissioner alleging arbitrary rejection of his demand notice and MW1/2 is a photocopy of the agreement dated 01.01.2003 entered between the management and M/s Keshav Security Services.

At the outset of the argument the Ld. A/R for the workman submitted that an application was filed praying for a direction to the management for a production of the records of the management evidencing engagement of the claimant and also documents relating to payment made to him directly by the management. The management took a plea that the documents being beyond the period of preservation are not available and not traceable. Thus, this tribunal by order dated 02.04.2014 gave liberty to the claimant for production of secondary evidence in respect of payment vouchers and accordingly the documents marked as WW1/1 to

WW1/57 were filed. The Ld. A/R for the workman also advanced argument that the management is guilty of suppression of material documents and by placing the documents marked as WW1/1 to WW1/57 the workman has successfully discharged the burden of proving that he was working continuously for the management by completing 240 days of work in a calendar year as has been defined u/s 25B of the ID Act 1947. The counter argument of the management was that the workman has not produced any document to prove his employment by the management. The said employment having not been proved according to the prescribed standard of proof, the allegation that his service was terminated illegally is baseless and the reference is liable to be answered against the workman. He also submitted that the workman was an employee of the contractor and his claim is maintainable against the said contractor but not against BSNL. Argument was also advanced that BSNL not being an industry the industrial dispute is not maintainable.

FINDING

ISSUE No. 1

This is the Moot point to be answered in this proceeding. In his oral evidence the claimant has stated that in February 2003 he was appointed as a helper in the establishment of the management on a monthly salary of Rs. 2000/- alongwith admissible TA and DA. He was working continuously and had completed 240 days of work in the calendar year preceding to the date of his termination on 17.04.2006. This statement of the claimant is in the line of the pleadings made by him in the claim statement. To corroborate his oral testimony he has filed photocopies of the number of vouchers for the period between 2004 to 2006. During cross examination he was asked by the management about the appointment letter if any in his possession. The witness answered in negative with explanation that no appointment letter was issued to him. He was also asked if his appointment was through Keshav Security in the year 2003 to which he also denied. The Ld. A/R for the management also cross examined him about his admission made in the appeal to the secretary about the engagement through the contractor to which he also denied. On behalf of the management the memo of appeal filed by the workman to the Secretary Cum Chief Labour Commissioner central has been filed and marked as MW1/1 but the said document nowhere contains the admission of the workman about his appointment through the contractor.

On the contrary on behalf of the workman evidence has been adduced to the effect that his initial appointment was in February 2003 and from August 2004 he was under the direct payroll of the management. In order to prove the same the workman has filed the copies of several payment vouchers which relate to the period August 2004 to March 2006. Under these vouchers which have been marked in a series of WW1/1 to WW1/57 the claimant workman was paid remuneration though at different rates per month. These are the vouchers of the Indian Telecom Department containing the seal and signature of the JTO Telephone Exchange Gurgaon showing payments to the claimant Sunder Singh. The management has not denied the credibility of these documents since the originals being in their custody could not be produced despite the direction given by the tribunal. These are all old documents created during an undisputed point of time. The management being the custodian of the originals when failed to produce the same this tribunal has no hesitation in accepting the secondary evidence in terms of section 63 of the Indian Evidence Act 1872.

In the case of **Steel Authority of India vs. National Union Waterfront Worker Union reported in (2001) 7SCC Page 1**, the Hon'ble Apex Court have also prescribed for the effective control test to ascertain about the relationship of the workman with the management or the contractor. Not only that in the case of **Chintaman Rao (1958(II)LLJ252)** the Apex court ruled that the concept of employment involves 3 ingredients (i)Employer (ii) Employee (iii) Contract of Employment. The employer is one who employs or engages the service of other person. The employee is one who works for another for hire. The employment is the contract of service between the employer and employee, where under the employee agrees to serve the employer subject to his control and supervision. In the case of **Food Corporation of India reported in (1985(ii) LLJ4)** the Hon'ble Apex Court pronounced that the contract of employment always discloses a relationship of command and obedience between them. Where a contractor employs a workman to do the work which he contracted with a third person to accomplish, the workman of the contractor would not become more than the workman of the third person.

In the case of **Ram Singh and Others vs. Union Territory Chandigarh and Others (2004)1 SCC 126** the Hon'ble Apex Court have elaborately discussed the factors to be considered for determining the employer employee relationship and the factors include control, integration power of appointment, liability to pay, liability to organize work etc. Thus, from the above analysis of the Principle of Law, it emerges that the effective control is a test to determine the employer employee relationship between the parties.

The management in its WS took a stand that the claimant was engaged through the contractor M/s. Keshav Security with whom the management had entered into an agreement on 01.01.2003 for upkeep of Telecom installation in Telephone Exchange of Gurgaon Telecom District. A photocopy of the agreement has

been filed as MW1/2. This document was executed on 01.01.2003 between the GM Telecom District Gurgaon and M/s Keshav Security Agency and the validity of the contract was for one year from the date of execution of the contract. This means the contract expired on 01.01.2004 since both the parties had signed the same on 01.01.2003. No document has been filed by the management to prove that the contract was extended beyond the period 01.01.2004. Apart from the contract no other document has been filed by the management to prove that the claimant was a person deployed by the contractor to work in the premises of BSNL.

BSNL is a public office dealing with valuable machineries and records. It is a fact presumable that any person other than the employee of the BSNL would not be allowed to enter the premises for any work without proper verification of the identity and issue of identity card or entry pass. In this case though the management has taken a specific stand about the engagement of the claimant through the contractor not a single piece of paper has been produced to prove the fact that he was issued entry pass or identity card. On the contrary the claimant by producing the payment voucher has successfully proved his engagement directly under BSNL which in turn proves his relationship with BSNL as its employee.

In this proceeding the workman has all along maintained that he was working under the supervision and control of management and not the contractor. While testifying as WW1 he fortified the said fact. This statement alone indicates the effective supervision of the work of the workman by management which is also evident from the document like the payment vouchers. Hence it is concluded that the workman was the employee of the management and the contract if any between the management and the contractor is a camouflage. Issue No.1 is accordingly answered in the favour of the workman and it is held that he was working for the management till his service was dispensed with from 17.04.2006.

ISSUE No. 2

The reference has been received to adjudicate the reliefs the workman is entitled to in case he is held to be employed by the management. In view of the finding arrived in respect of issue no.1 it is now to be decided if he is entitled to the relief of reinstatement and back wages and other consequential benefits.

The claimant has pleaded that during the period between February 2003 to 17.04.2006 he was working continuously for the management and during the calendar year preceding to the date of his termination he had worked for more than 240 days. The Ld. A/R for the management raised serious objection and pointed out that the claimant in his rejoinder filed to the WS has clearly stated that he is in possession of documents to prove that he had worked for 240 days in the preceding calendar year. No document to that effect having been filed the plea is liable to be rejected. This argument of the Ld. A/R doesn't sound convincing since the workman in his application filed u/s 11(3) of the ID Act had prayed for production of the said documents but the management failed to do so and this tribunal considering the plea of the management that original documents are not available allowed the secondary evidence to be adduced by the workman. There is no dispute that the employer or the management is the custodian of the documents relating to the employment and payment made to the persons working for the management. In this case the management has shed its responsibility with regard to the original documents on the plea that the documents being for beyond the period of preservation are not available. In such a situation the claimant is left with no other option than producing the secondary evidence or the photocopies. The remarkable aspect of this proceeding with regard to the document marked as exhibit WW1/1 to WW1/57 is that at no point of time the management has disputed the authenticity of the said documents. Thus, from the oral and documentary evidence adduced by the claimant/workman the inevitable conclusion is that the claimant was working for the management BSNL during the period August 2004 to 17.04.2006 and getting payment directly from the management BSNL through its official having the designation JTO.

The law is well settled that the burden always lies upon the workman to prove whether he had worked continuously for 240 days or more in the preceding calendar year. Once the workman succeeds in discharging the initial burden, the same shifts on to the management to disprove the same. In this case the workman in his oral statement has stated that from February 2003 to 17.04.2006 he was working continuously for the management and being in its payroll was getting the salary from JTO through vouchers. In order to prove the same the workman has filed several payment vouchers and the management has not disputed the authenticity of the same at any point of time. On the basis of these documents the claimant has advanced a claim that for being in continuous service of the management and having completed 240 days of work he is entitled to a temporary status. But his service was terminated illegally without complying the provision of section 25F of the ID Act and for the said unfair labour practice meted to him he is entitled to reinstatement into service with all consequential benefits including the back wages.

The management has not denied that the date on which the employment of the workman was brought to an end he was not paid any retrenchment compensation, retrenchment notice or notice pay in terms of section 25F of the ID Act. The only explanation offered is that the workman not being an employee of the management

there was no need to comply the provision of section 25F. The Hon'ble Supreme Court in the case of **Superintending Engineer TWAD Board and Another vs. M Natesan and others reported in (2019) 2 SCC (L and S) 160** have held that when the casual labour daily wagger proves to have worked continuously for 240 days in a year and thereby discharges the initial burden of proves he is entitled to reinstatement with back wages.

Way back in the year 1980 the Hon'ble Apex Court of India in the case of Surendra Kumar Verma and Others vs. CGIT Delhi had observed that

“Plain commonsense dictates that the removal order terminating the service of the workman must ordinarily lead to the reinstatement in the service of the workman. It is as if the order was never been made and so it must ordinarily lead to back wages. But there may be exceptional circumstance which makes it impossible for the employer to direct reinstatement with full back wages.”

In such cases the Hon'ble Apex Court held that the appropriate order would be for payment of compensation in lieu of reinstatement. But in the case of **G.M ONGC Silchar vs. ONGC Contractual Worker Union reported in 2008 LLR 801** the Hon'ble Apex Court after giving due consideration to several observations in different pronouncement which suggest that a workman who was put in 240 days or a contractual worker is not entitled automatically to regularization came to hold that in appropriate cases regularization can be ordered.

Here is a case where the workman has prayed for a relief simplicitor for reinstatement to service with back wages. The basic issue in the present case is the status of the workman and whether he is an employee of the management. The issue No. 1 in this regard has already been decided in favour of the workman. While adducing evidence the workman has successfully prove that he is not been gainfully employed during the intervening period between his termination and date of his examination in this proceeding. The Ld. A/R for the workman strenuously argued that the workman having not attained the age of superannuation an order should be passed for his reinstatement into service. But from the evidence it appears that the workman had worked in the management for a brief period i.e from February 2003 to April 2006. The Hon'ble Supreme Court in the case of **Management Hindustan Tools Limited vs. Ghanshyam Sharma reported in 2018LLR1285 (SC)** have clearly held that when the workman worked for a brief period, in such a case reinstatement is not justified. The Labour court should award lumpsum compensation instead of reinstatement taking recourse to the powers u/s 11A of the ID Act. Of course in this case the management has not adduced any evidence about the gainful employment of the workman. But considering all the aspects emerging from the evidence it is felt proper to award a lumpsum compensation to the workman instead of directing his reinstatement in service with consequential benefits.

In view of the foregoing discussion the issue is answered accordingly and it is directed that the management shall pay Rs. 5,00,000/- as a lumpsum compensation. Hence, ordered.

ORDER

The reference be and the same is answered in favour of the workman. It is directed that the management shall pay a lumpsum compensation of Rs. 5,00,000/- to the workman within 3 months from the date when the award would be notified and made executable. If the management would fail to pay the amount within the time stipulated, the same shall carry interest @9% per annum from the date of the notification of the award till the payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

24th January, 2020.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स री अरुपनाथ भट्टाचार्य, एल.डी. सलाह, कोलकाता और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 03/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.08.20 को प्राप्त हुए थे।

[सं. एल-42012/108/2015-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 779.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 03 / 2005) of the Central Government Industrial-Tribunal cum-Labour Court Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to The Mr. Arupnath Bhattacharya, Ld. Counsel, Kolkata, & Others, and their workmen which were received by the Central Government on 19.08.20.

[No. L-42012/108/2015-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

NATIONAL INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. NT-03 of 2005

Parties: Employers in relation to the management of India Government Mint

AND

Their workmen

Present: Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : Mr. Arupnath Bhattacharya, Ld. Counsel

On behalf of the Workmen : Mr. A.K. Banerjee, Ld. Counsel

Mr. T. Das, Ld. Counsel with Mr. S. Chakraborty, Ld. Counsel,

Mr. Abhrajit Mitra, Ld. Counsel,

Mr. A.K. Banerjee, Ld. Counsel with Mr. Raraj Dutta, Ld. Counsel,

Mr. S. Roy, Ld. Counsel with Mr. S. Murarka, Ld. Counsel.

State: National.

Industry: Mint.

Dated: 30th July, 2020

AWARD

The dispute under reference pertains to non-payment of 19% compensation for increased working hours of India Government Mints, Kolkata, Mumbai and Hyderabad from 37½ to 44 hours per week consequent upon recommendation of 5th Pay Commission. It appears that in 1951 the General Manager, Government of India Mint had attempted to enhance working hours from 37½ to 40 hours per week and the authorities also started deducting salaries from the pay packet for not discharging duties of 40 hours per week whereupon the employees moved an application No. PWA 353 of 1951 before the authority of the Payment of Wages Act. The application was allowed and the working hours of the employees were maintained to 37½ hours per week and deduction from salary was held to be illegal. After submission of 4th Pay Commission report in 1986 in which working hours of India Govt. Mint was mentioned as 44 hours, a circular was issued by the General Manager, India Govt. Mint on 21st November, 1986 enhancing working hours from 37½ hours to 44 hours. However, it

was cancelled by diary order dated 15th January, 1987. In this background the Mint management issued a notice under Section 9A of the Industrial Disputes Act, 1947 on 16th January, 1988 proposing to enhance the working hours from 37 ½ to 44 hours a week in terms of recommendation of 4th Pay Commission. Aggrieved by the said notification and rejection of objection against the notification of notice the union filed a writ petition before the Hon'ble High Court of Calcutta praying for order to direct the management of Mint to rescind or cancel the notice under section 9A of the Act of 1947 for enhancing the working hours. However, during pendency of this writ petition, recommendation of 5th Pay Commission came in and for implementation of which several round of discussion by the General Manager of Mint with the union representatives were held. In this connection a meeting was held on 15th April, 1998 with the various unions of India Government Mint, Kolkata, Hyderabad and Mumbai. The minutes of this meeting were sent to the Ministry of Finance. Subsequently on 5th of May, 1998 a further meeting was held in which various decisions were adopted mutually by and between the parties. During above meetings the unions agreed for increase of working hours from 37 ½ to 44 hours per week, but demanded 19% compensation for increase of working hours in the existing pay. The demand was sent to the Ministry of Finance for favourable consideration. One of the points of discussion was also regarding 10 hours overtime per week at the usual applicable rates in addition to stipulated 44 hours. Ministry of Finance, however, turned down the demand for payment of 19% compensation for increase of working hours as per recommendation of 5th Pay Commission observing that the employees shall be entitled for revised pay scale from the date on which the Mints start working 44 hours a week. This decision resulted in industrial dispute which has been referred to this National Tribunal by the Central Government in exercise of its powers under Section 7B read with Section 10(1A) constituted a National Tribunal vide order No. L-16011/3/2004-IR(DU) dated 06.06.2005 and referred the industrial dispute in the following language:

"Whether the action of the management of India Government Mint in not granting of 19% compensation for the increased working hours from 37.5 hours per week to 44 hours per week (as per recommendation of Vth Pay Commission), is just and legal? If not, to what relief the workmen are entitled?"

2. All India Mint and Presses Employees Federation, Calcutta Mint Workers Union, Calcutta Mint Employees Union, Hyderabad Mint Staff Association, Hyderabad Mint Employees Union, Bharatiya Mazdoor Sangh, Hyderabad, Takshal Karmik Sangh, Hyderabad, Takshal Mazdoor Sabha Mint Premises Union, Mumbai, Takshal Mazdoor Sabha, Mumbai have filed their respective statements of claim in response to the above reference. All the unions have pleaded almost similar set of facts. It is stated that there are four units of India Government Mints situated at Kolkata, Mumbai, Hyderabad and Noida, but the nature of services rendered by Noida Mint is different from others. At Kolkata, Mumbai and Hyderabad Mints coins are made from virgin state whereas at Noida Mint bank coins are stamped. As such, it is claimed, the workmen of Kolkata, Mumbai and Hyderabad Mints belong to one class while workmen of Noida Mint belong to separate class. This was the reason why the number of working hours at Noida Mint from its very inception from the year 1984 has been more than the working hours of the workmen of other three mints. The process of manufacturing coins from virgin state is more rigorous than the process of stamping of coins. It is further pleaded that in Fourth Pay Commission report the normal working hours was incorrectly recorded due to inadvertence as 44 hours per week. The working hours of employees of Kolkata, Mumbai and Hyderabad Mint had been 37 ½ hours per week at the time of recommendation of Fourth Pay Commission also. There was no recommendation in Fourth Pay Commission report for increase of the working hours from 37 ½ to 44 hours per week. Though the notice under Section 9A of the Industrial Disputes Act, 1947 was issued proposing to enhance the working hours from 37 ½ to 44 hours, but the same was challenged by the unions through a writ petition filed before the Hon'ble High Court at Calcutta during pendency of which the report of Fifth Pay Commission was published. Various meetings were held by the General Manager of the Mints with the union representatives for implementation of Fifth Pay Commission report. The demand of 19% compensation in case of increase of working hours from 37 ½ to 44 hours per week was also discussed in the meeting held on 15th April, 1998 and 5th May, 1998 and forwarded to the Ministry of Finance for favourable consideration. Therefore, the Writ Petition No. 9523(W) of 1988 which was pending before the Hon'ble High Court at Calcutta was not pressed by the petitioners. The members of the unions at all material times till February, 2004 had been discharging their duties of 44 hours plus 10 hours overtime allowance per week on the basis of the said agreement with regard to above compensation. The demand of the unions for payment of 19% compensation was not accepted and a diary order dated 24th March, 2005 determining the normal working hours as 44 hours per week was issued by the Mint authorities. It was also a notice under Section 9A of the Industrial Disputes Act, 1947 intending to give effect to the diary order with effect from 18th April, 2005. There cannot be any increase in the number of working hours of an employee without corresponding compensation thereof. Therefore, 6 ½ working hours per week should be compensated with corresponding increase in the pay packet. The workmen are required to work 17.73% of hours of extra work. Accordingly taking into account the anomalies of pay as recommended by the Fifth Pay

Commission, the percentage of compensation was arrived at 19% and promised by the management of the Mint. The unions have prayed that the demand raised by the unions for 19% compensation for increase in working hours from 37 ½ to 44 hours per week should be accepted and the action of the management in not granting compensation as above, may be declared unjust, illegal and improper.

3. The management of India Government Mint has filed its written statement in reply to the pleadings submitted by the unions in which it is pleaded that the normal working hours of Kolkata, Mumbai and Hyderabad Mints was 37½ hours which has been enhanced to 44 hours as normal working hours per week after implementation of Fifth Central Pay Commission report with effect from 27.05.1998, but the normal working hours of Noida Mint have been 44 hours from the very inception. The management of India Government Mint, Kolkata had issued a notice under Section 9A of the Industrial Disputes Act, 1947 enhancing the normal working hours from 37 ½ to 44 hours per week which was challenged by the Calcutta Mint Workers Union and others in Writ Petition No. 9523(W) of 1988 before the Hon'ble High Court at Calcutta, however, it was dismissed on the ground of maintainability. Though in appeal stay order was granted by the Division Bench of the Hon'ble Court, but the same was withdrawn by the Calcutta Mint Workers Union on 13th May, 1998. A meeting was held by the Joint Secretary, Ministry of Finance with the representatives of all unions on the issue of implementation of recommendations of Fifth Pay Commission on 15th April, 1998 in which the workers demanded 19% compensation on introduction of 44 hours normal working hours. However, it was decided that the issue would be taken up for favourable consideration with the Department of Expenditure. Another meeting was held on 5th May, 1998 between the Mint management and the members of steering committee of the unions. It is further pleaded that the management has not given any assurance in writing regarding 19% compensation for increased working hours. The Calcutta Mint Workers Union had also moved an application No. 115 of 2001 and MA No. 74 of 2001 before the Central Administrative Tribunal in the matter of 19% compensation, wherein the Tribunal vide its order dated 08.02.2001 directed the Mint authority to take decision and communicate the same. In compliance of the order of the Tribunal the communication dated 1st May, 2001 was issued by the Director, Government of India, Ministry of Finance denying any justification for grant of compensation and that from 01.01.1996 to 26.05.1998 the pay should be proportionately depressed where the workmen did not work for 44 hours a week. It is also pleaded that the employees of Kolkata, Mumbai and Hyderabad and Noida Mints belong to Central Government and governed by CCA Rules, 1965, Industrial Disputes Act, 1947 is not applicable in case of employees of Mint. It is also pleaded that India Government Mint, Kolkata has been declared a public utility service under the Industrial Disputes Act, 1947.

4. Rejoinders have been filed in reply to the pleadings in written statement reiterating the facts pleaded in the statements of claim. It is also pleaded that increase in working hours was accepted only on assurance of the management of mint for favourable consideration. Hence principle of Promissory Estoppels is applicable and Mint authority is duty bound to grant 19% compensation for increased working hours.

5. On behalf of the workmen WW-01, Shri V.T. Bhaste, WW-02, Shri Provat Ghosh, WW-03, Shri Biswanath Sikdar, WW-04, Shri K. Dasavararam, WW-05, Shri K. Uma Maheswara Rao, WW-06, Shri Jaywantrao Yeshwantrao Rao have been examined. On behalf of the management only witness MW-01, Shri Shahid Ashraf has been examined. Parties have also filed number of documentary evidences which shall be taken up at appropriate stage in the findings of the Award for convenience.

6. I have heard the learned counsels for the unions and also for the management of Government of India Mint.

7. The learned counsels for the unions have submitted that increase in working hours amounts to change in condition of service and notice under Section 9A of the Industrial Disputes Act, 1947 was mandatory to effect any change in working hours. The unions had agreed to work for the increased working hours for 44 hours only on assurance of the management of Mint to pay 19% compensation. Hence the management is bound to pay 19% compensation for increased working hours.

8. Per contra, the learned counsel for the India Government Mint has argued that acceptance of the revised pay scale by the employees amounts to waiver of notice under Section 9A of the Act. The steering committee of the unions had entered into agreement/settlement in a meeting with the General Manager of Mint giving consent for increase of working hours from 37 ½ to 44 hours. Mint management never gave any assurance for payment of 19% compensation for increased working hours.

9. Based on the rival pleadings and submissions of the unions and the management following points of determination may be delineated –

1. Whether India Government Mint is an industry?

2. Whether judgment in case No. PWA 353 of 1951 under Payment of Wages Act operates as *res-judicata*?
3. Whether notice under Section 9A of the Industrial Disputes Act, 1947 is mandatory?
4. Whether acceptance of revised pay scale as recommended by Pay Commission would amount to waiver of notice under Section 9A of the Industrial Disputes Act, 1947?
5. Whether India Government Mint is bound to pay 19% compensation to the employees by virtue of principles of Promissory Estoppels?

Mint as industry

10. Though at the very outset the management of Government of India Mint has taken the point of maintainability that the employees of Kolkata, Mumbai and Hyderabad Mints belong to Central Government and they are governed by CCS Rules, 1965, therefore, provisions of Industrial Disputes Act, 1947 and other labour laws are not applicable, but in paragraph 12 of the written statement the management has also pleaded that India Government Mint, Kolkata is under the Industrial Disputes Act and is governed by the provisions of Factories Act, 1948. Not only this the management has also pleaded that above units of India Government Mint have been converted into a public sector unit of SPMCIL since 13th January, 2016. Government notification dated 10th February, 2006 has also been filed on record to the effect that in pursuance of cabinet decision on 2nd September, 2005, Government of India has decided to corporatize the functions of nine units of Department of Economic Affairs and accordingly all the existing functions of those nine units including Security Presses etc in respect of security grade papers and coin and printing of currency notes and non-judicial stamp papers have been transferred to a wholly owned company viz. "Security Printing and Mining Corporation of India Limited". Consequently, the management, control, operation and maintenance of production etc. have been transferred to the company. Statutory definition of "Industry" is given in Section 2(j) of the Act of 1947 –

"2(j) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen."

11. Above definition of 'industry' was considered by the Hon'ble Apex Court in **Bangalore Water Supply v. Rajappa**, AIR 1978 SC 548 where it has been observed -

"Where (i) any systematic activity, (ii) organized by cooperation between employer and employee (the direct and substantial element is chimerical), (iii) for the production and or distribution goods and services calculated to supply human wants and wishes (not spiritual or religious but inclusive of material things or services geared celestial bliss i.e. making on large scale Prasad or food; prima facie, there is an 'industry' in that enterprise.)"

It was observed that mere absence of profit motive will not necessarily push the activity out of the pole of industry, further that act undertaken in fulfillment of the state's constitutional obligation or in discharge of constitutional or sovereign functions is excepted from the definition of 'industry'. However, Hon'ble High Court of Delhi in **Union of India v. Raj Kumar Shah** (WP (C) 3495 of 2015 decided on 20.01.2020 while considering the question whether the Controller General of Patents, Design and Trade Marks was an industry, held that every function which is performed by the government is not sovereign. Sovereign functions which are core and inalienable are exempted from Section 2(j) of the Act of 1947. Sovereign functions become inalienable only when it becomes impossible to delegate them to any other authority, then only it is exempted from the ambit of Section 2(j) of the Act. Functions such as collection of tax, maintenance of law and order, external relations which have at all time to be performed by the government and the government alone would qualify as 'inalienable' sovereign functions.

12. In the instant case, as it has been seen above, the units of India Government Mint has been corporatized and converted into a public sector unit of SPMCIL (Security Printing and Mining Corporation of India Limited) on 13.01.2006 as a consumer goods industry engaged in the manufacture/production of currency and Bank Notes, Security Paper, non-judicial stamp papers, postal stamps and stationery, cheques, bonds etc., thus these functions cannot be said to be inalienable and sovereign functions. Not only this, it is admitted case between the parties that the units of India Government Mint have been declared public utility services under the provision of Section 2(n) of the Industrial Disputes Act, 1947. Only industry specified in First Schedule can be declared public utility services. Hence, obviously the units of Indian Government Mint comes within the definition of industry and provisions of Industrial Disputes Act, 1947 apply to it. Apart from this a specific issue whether Mint is an industry or not had also come up for consideration before the Hon'ble Andhra Pradesh High Court in Writ Petition No. 3586 of 1982 (**The management of India Government Mint, Hyderabad v. workmen**) In

which the Mint was held to be not an industry. Against this judgment of the Hon'ble Single Bench appeal was preferred before the Hon'ble Division Bench in Writ Appeal No. 107 of 1988 where Mint was considered to be industry. Special Leave petition filed against the judgment of the Hon'ble Division Bench was also dismissed by the Hon'ble Apex Court. Thus it is established that Mint is an 'Industry' within the meaning of Section 2(j) of the Industrial Disputes Act, 1947.

Res-judicata

13. Learned counsel for the unions have submitted that the working hours of units have been 37½ hours per week. Attempts were made by the Mint management in 1951 to enhance the working hours without giving notice under Section 9A of the Industrial Disputes Act, 1947, when the Mint management illegally tried to enhance the working hours from 37½ to 40 hours and also tried to deduct wages for 2½ per week from the workers who did not work for 40 hours. The matter went to the authority under the Payment of Wages Act which ruled that normal working hours of unit was 37½ hours per week since the creation of Mint and the employer has no right to increase the working hours in absence of contract without increase of their wages. In these circumstances, learned counsel for the unions have contended that in view of judgment of authority under the Payment of Wages Act the working hours cannot be increased without increase in wages of the employees and principles of *res-judicata* will be applicable in the matter. I do not agree with the contentions of the learned counsels that principles of *res-judicata* applies in such circumstances.

14. Principles of *res-judicata* has been incorporated in Section 11 of Code of Civil Procedure which reads as follows –

“Section 11. No court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such court.”

In order to apply the principles contained in Section 11 of Code of Civil Procedure following conditions must satisfy –

1. There must be a suit and a former suit between the said parties;
2. The former suit must have been heard and finally decided;
3. The former court must be competent to try the second suit; and
4. The matter must have been directly and substantially in issue in former suit also.

14. Conditions (3) and (4) are relevant and important to the matter in issue. It is essential that the former court must be competent to try the subsequent suit. Thus the decision in a previous suit by a court, not competent to try the subsequent suit, will not operate as *res-judicata*. The principle behind this condition is that the decision of the court of limited jurisdiction ought not to be final and binding on a court of unlimited jurisdiction. Section 15 of the Payment of Wages Act, 1936 limits the jurisdiction and power of the Authority to the determination of claim arising out of deduction from wages or delay in the payment of wages which cannot be extended to include the power to adjudicate upon a matter under the Industrial Disputes Act, 1947. The Authority under the Payment of Wages Act is a court of limited jurisdiction. Only Industrial Tribunal or Labour Court is competent to determine such matters.

15. Apart from that, it is also necessary that the matter must have been directly and substantially in issue before the formal court. From the perusal of judgment passed by the Authority under the Payment of Wages Act Ext. W(I) - 1 it is clear that the matter of violation of provision of Section 9A of the Act of 1947 was not in issue before the court in Case of PWA 353 of 1951. Thus no question of application of principles of *res-judicata* arises.

Notice under Section 9A of the Act of 1947

16. Undisputedly the employer has every right to change the condition of service after serving notice under Section 9A of the Industrial Disputes Act, 1947. Item No. 4 of the Fourth Schedule of the Act of 1947 shows that hours of work is to be treated as condition of service. It is also not disputed that change in working hours is condition of service which can be varied by the employer after giving notice under Section 9A of the Act of 1947. The provision of Section 9A of the Act of 1947 may be reproduced below for convenience -

9A. Notice of change – No employer, who proposed to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change –

- (a) Without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice;

Provided that no notice shall be required for effecting any such change –

- (a) Where the change is effected in pursuance to any settlement or award; or
- (b) Where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil service Regulations, Civilians and Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

17. Thus from the above provision it is clear that whenever any change in condition of service is proposed by the employer four conditions must be complied with (a) notice giving effect to change; (b) notice must be in prescribed form; (c) change can be effected to only after lapse of 21 days from the date of service of notice; and (d) change must be in matter specified in Fourth Schedule.

18. Now question arises whether the Mint Authority has given notice under Section 9A of the Act of 1947 before enhancing working hours from 37½ to 44 hours per week. The statement of claim of the union reveals that notice under Section 9A increasing working hours from 37½ to 44 hours a week based on the recommendation of Fourth Pay Commission was issued by the Mint authorities on 16.01.1988. This was objected by the workmen and the unions representing workmen of the India Security Press and the Currency Note Press issued notice of strike proposing to proceed on indefinite strike in view of unjustified increase of working hours. A Writ Petition was also filed before the Hon'ble High Court at Calcutta praying for withdrawal of notice. The matter was then admitted in conciliation and during conciliation it was agreed that during pendency of above writ petition pending before the Hon'ble High Court at Calcutta, notice dated 16.01.1988 would not be given effect to and thus notice of strike was not implemented. Subsequently the Writ Petition No. 9523 (W) of 1998 pending before the Hon'ble High Court at Calcutta was dismissed on 07.01.1991. A failure report was submitted by the conciliation officer. Reference was also initially refused by the Central Government, but under the direction issued by the Central Administrative Tribunal, reference was made. Thus after closure of conciliation proceeding the notice issued on 16.01.1998 cannot be said to survive. Therefore a fresh notice under Section 9A of the Act of 1947 was required for change in condition of service. Admittedly no notice under Section 9A of the Act of 1947 was issued thereafter.

Effect of accepting revised Pay Scale as recommended by Pay Commission

19. Learned counsel for the management of Government of India Mint has submitted that during pendency of writ petition in Hon'ble Calcutta High Court Fifth Pay Commission has submitted its report and was implemented by the Central Government. The workmen of Indian Government Mint also took benefit of the revised pay scale. Enhancement of working hours from 37½ to 44 hours a week was condition precedent for revision of pay scale and other benefits to the employees. Therefore, question of service of any notice under Section 9A of the Act of 1947 does not arise. Learned counsel has also submitted that Fifth Pay Commission has specifically dealt with the issue of enhancement of working hours. Contrary to it the learned counsels for the unions have submitted that the Pay Commission report is not binding on the workmen in absence of notice under Section 9A of the Act of 1947 and acceptance of revised pay scale by the workmen does not give the authority to the Mint management to enhance working hours.

20. Justifying increase in working hours the Fifth Pay Commission in paragraph 66.31 of the report has observed that mere fact that the Mints have been observing 37½ hours over a century is not a reason enough to necessitate that status quo should be maintained regardless of changes in the working environment and condition. A lesser number of working hours might conceivably have been justified in the earlier years when the coin manufacturing process were not refined enough and involved working in arduous and intemperate condition. The progressive modernization and automation of the Mints would however have resulted in a fatigue and this is an aspect that will necessarily have to be kept in view. The Pay Commission have also taken into consideration the working hours of Noida Mint which was working for 44 hours a week and in order to maintain uniformity in working hours, the Pay Commission had recommended for enhancement of normal working hours from 37½ to 44 hours.

21. Admittedly 5th Pay Commission has already been implemented and the workmen are getting benefits of the same. WW-01, Shri V.T. Bhaste in his statement has said that in respect of one Mint, the recommendation of

Pay Commission has been implemented after fulfilling certain conditions from the workmen side. He has further stated in his cross-examination that the recommendation of 6th Central Pay Commission has been accepted by the management as well as by all the employees unions. Other witnesses also have admitted in their cross-examination that the workmen are getting the revised pay scale and other allowances as recommended by the 5th and 6th Central Pay Commission.

22. Now question of waiver arises at this stage as to whet her acceptance of the revised pay scale as recommended by the Fifth Pay Commission amounts to waiver of notice under Section 9A of the Act of 1947. This question has been dealt with by the Hon'ble Rajasthan and Bombay High Courts. In **Director, State Forms v. Judge, Industrial Tribunal**, 2003 (2) WLN 629 where Project Allowance given @ 10% by the Government of India where the basic minimum amenities were not available to the workmen at underdeveloped places was subsequently reduced to 8% which resulted in an industrial dispute. The matter came up before the Hon'ble High Court. The argument of the management was not accepted by the Hon'ble Rajasthan High Court that notice to the workmen likely to be affected by the reduction in the rate of Project Allowance was not required as the Project Allowance was reduced by the management following the report of the Third Pay Commission which had heard the employees union and associations before making recommendations. The Hon'ble Court had observed –

“Under Section 9A of the Act before reducing the rate of Project Allowance from 10% to 8% the Corporation was bound to follow the mandate of Section 9A of the Act. After recommendations of the Third Pay Commission were accepted by the Government the Appellant blindly followed the same without taking any independent and voluntary decision on their own with regard to the question whether or not reduce the Project Allowance. The dependence of the Appellant on the report of the Pay Commission was so heavy that it thought that since the unions of workmen of various enterprises have already pleaded their case before the Pay Commission, it was not necessary to give 21 days' notice to the employees in the project before effecting the change. This was clearly a wrong approach which cannot be countenance. Since the Appellant Corporation failed to comply with the provisions of Section 9A the change effected in the rate of Project Allowance payable to the workmen cannot be changed.”

23. The question of issue of notice under Section 9A of the Act of 1947 before increase in working hours after acceptance of revised pay by the workmen came up for consideration before the Hon'ble High Court at Bombay in Writ Petition No. 5400 of 1996 in **Union of India v. India Security Press** decided on 3rd August, 2010 where the number of working hours from 37½ to 44 hours per week were increased in view of the recommendation of the Fourth Pay Commission and the workmen have accepted the benefits of the recommendation of the Pay Commission in as much as they were drawing wages in accordance with the recommendation. Not only this, but in above case the workmen have also submitted undertaking to abide by the recommendations. The Hon'ble Court did not accept the above argument advanced by the management and held that any change in the service condition of workers working in the India Security Press or Currency Note Press must be preceded by a notice under Section 9A of the Act of 1947. The Hon'ble Court has also held that under Section 9A of the Act notice of change is required whenever a change is proposed in respect of any matter specified in Fourth Schedule of the Act. The change in working hours is one of the reason that would require a notice under Section 9A of the Act. Thus, mere fact that the workmen accepted the revised pay scale would not waive of the notice under Section 9A of the Act of 1947.

24. Thus from the above discussion it is clear that the fact that the unions of workmen were heard by the Pay Commission or the workmen accepted the pay scale as revised by 5th Pay Commission would not obviate the requirement of giving a prior notice of the proposed change in the condition of service of the workmen of India Government Mint.

Effect of Agreement with Unions

25. Where change in condition of service is effected in pursuance of any settlement or Award, notice is not required. Proviso to Section 9A of the Act of 1947 says –

“Provided that no notice shall be required for effecting any such change –

- (a) Where the change is effected in pursuance to any settlement or award; or
- (b) Where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil service Regulations, Civilians and Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.”

Explaining the purpose of giving notice under Section 9A of the Act of 1947 the Hon'ble Bombay High Court in Navbharat, Hindu Daily, Nagpur v Navbharat Shramik Shanga 1985-I-LLJ 474 (Bombay) has observed that –

“The intention behind the notice appeared to be that the workmen affected has a chance to raise a dispute by approaching proper authority. The said dispute can also mature into a reference if the parties do not arrive at an amicable settlement.”

26. In the instant case the management of Mint has emphasized the factum of amicable settlement with the unions. Learned counsel for the management of India Government Mint relying on the minutes of meeting held on 15th April, 1998 with the unions/associations of India Government Mint, Kolkata, Hyderabad and Mumbai has submitted that during pendency of writ petition in the Hon'ble High Court at Calcutta Fifth Pay Commission had submitted its report. Therefore, for implementation of the report of the Fifth Pay Commission the General Manager, India Government Mint held several meetings with joint action committee of unions/associations of India Government Mint, Kolkata, Hyderabad and Mumbai and in one of the meeting held on 15th April, 1998 at New Delhi the unions had agreed that the three mints of India Government would function for 44 hours per week. In above meeting a demand of 19% compensation on account of introduction of 44 hours work per week based on recommendation of Fifth Pay Commission was also raised by the workers for which there was an agreement that this demand would be taken up with the Department of Expenditure for favourable consideration. Record of discussion held on 15th April, 1998 at New Delhi between India Government Mints and unions have been filed on record.

27. For better appreciation of the terms of agreement it would be pertinent to quote minutes of above meeting held on 15th April, 1998 which is as follows –

“Record of discussions held on 15.04.1998 at New Delhi with Unions/Associations of India Govt. Mints, Calcutta, Hyderabad & Mumbai.

1. The three mints will function 44 hrs. per week as normal working hours as recommended by the fifth Pay Commission. Revised pay scales recommended by the commission as approved by Government will be allowed to the workers/employees from 1.1.1996 after they start 44 hrs. normal working per week.
2. Keeping in view the demand – supply position of coins etc. the General Manager of each Mint will be authorized to sanction maximum overtime working with a view to increasing production according to work needs and in conformity with Factories Act i.e. approximately 54 hrs. per week. The demand supply gap as at present likely to continue in the foreseeable future. The OTA working will be only subject to review and revision after consultation with the unions/association.
3. Overtime Allowance will be allowed on the revised pay scales from 1.1.1996 in conformity with Government orders/Factories Act.
4. Increases in production corresponding to the revised weekly working hours including overtime working will be effected. The base level production, target production and incentive parameters will be determined on the basis of total weekly working hours including OTA working. Incentive payment will be based on this.
5. The eligibility for and ceiling on OTA on the basic pay as per the new pay scales based on 44 hrs. normal weekly working will be revised appropriately.
6. The workers/employees demanded 19% compensation on account of introduction of 44 hrs. normal weekly working hours as per 5th Pay Commission recommendations. This will be taken up with the Department of Expenditure for favourable consideration.
7. The General Manager of concerned Mint will take action on the basis of minutes of the above discussions in conformity with the existing rules/ regulations/ statutory laws/ agreements/ pending litigations/ court orders etc.”

28. Next meeting was held on 5th May, 1998 between General Manager, India Government Mints and members of steering committee of unions and associations in which normal working hours of 44 hours with new pay scale was again reiterated. The minutes of meeting dated 5th May, 1998 may also be reproduced as below –

“Minutes of the meeting held on 5.5.98 at 3.30 P.M. in the Conference Hall with General Manager along with D.G.M., C.A.O., SR. L.O.W.M. L.O.A.W. Ms and members of steering Committee of Union & Associations.

1. General Manager stated that O.T.A. Arrears from 1.1.96 will be paid on the basis of 37½ hrs. as normal hours with new scales till the start of 44 hrs. working as Normal hours. But he added that this payment will be made only after receiving orders from Ministry.
2. This point is already clarified in the minutes of the meeting with the Ministry of Finance at point No. 3.
3. Regarding distribution of normal working hours, General Manager agreed upon 8 hrs. per day from Monday to Friday and 4 hours on Saturday as normal working hours per week.

Timing shall be:

9.00 A.M. to 5.30 P.M. Monday to Friday

9.00 A.M. to 1.00 P.M. on Saturday

As regards 48 hrs. per week the timings shall be : -

9.00 A.M. to 5.30 P.M. Monday to Friday

9.00 A.M. to 5.30 P.M. on Saturday.

4. G.M. expressed that 54 hrs. working can be implemented only after the availability of raw materials/blanks and consumables required for running plants and machineries are ensured by the concerned officers of the shop floor. The J.A.C. proposed to extend their co-operation for implementation of 54 hrs. and proportionate increase in production. However G.M. proposed that 54 hrs./week working will be started from 1.6.98 by which time blanks required for continuous running along with other consumables will be made available so that there will not be any problem for smooth working.
5. G.M. had agreed to take up the matter with Ministry of Finance regarding 19% compensation with Ministry of Finance.
6. As regards recommendation made in part B of 5th Pay Commission, the G.M. advised the employees concerned to submit their representation on the basis of which further action will be taken. As part 'C' does not concern this organization it was not discussed.

The meeting ended with vote of thanks to the Chair.”

29. It is material to note here that the Bombay Mint Employees Federation had served a notice of strike dated 18th February, 1998 on account of increase in working hours. The parties entered into conciliation proceeding during which the notice of strike was withdrawn by the federation on settlement that 7 items of records of discussion held on 15th April, 1998 at New Delhi would be implemented after compliance with the relevant statutory provisions and other rules and regulations. The learned counsels for the unions have made minutes of meeting held on 15.04.1998 basis of their argument for grant of 19% compensation. It is submitted that one of the terms of agreement in minutes of 15th April, 1998 was that the demand of the unions for grant of 19% compensation on account of introduction of 44 hours normal weekly working hours shall be taken up with the Department of Expenditure for favourable consideration. The terms of discussion have to be read as a whole. The unions cannot be allowed to adopt favourable terms and discard the unfavourable one. Paragraph 1 of the agreement was regarding 44 hours normal working hours of the Mints as recommended by Fifth Pay Commission. It was also agreed that the revised pay scale will be allowed to the workers from 01.01.1996 after they start 44 hours normal working per week. Thus the unions accepted that the workers would start working for 44 hours per week and the day they start working for 44 hours, they would be entitled for the revised pay scale. In pursuance of this agreement the workmen have also started working and they are getting revised pay scale. So far as demand of 19% compensation is concerned, the management does not appear to have accepted the grant of 19% compensation. The term of agreement was that their demand would be placed before the Department of Expenditure for favourable consideration. The term 'favourable consideration' does not mean acceptance of demand. It denotes that the final authority was with the Department of Expenditure and subject to decision of the Department of Expenditure, the demand of 19% compensation would be disposed of.

30. The unions also wanted implementation of minutes of 15th April, 1998 and for the enforcement of the minutes the Bharatiya Mazdoor Sangh and Hyderabad Mint Staff Association had gone to the extent of filing O.A. No. 648 of 1998 in the Central Administrative Tribunal, Hyderabad pleading *inter alia* that on the basis of recommendation of Fifth Pay Commission the working hours of India Government Mints have been increased from 37½ to 44 hours a week and in meeting of April, 1998 it was decided that the demand of 19% compensation on account of increase of working hours to 44 hours would be taken up with the Department of Expenditure for favourable consideration. In above O.A. the Tribunal directed the Department of Expenditure to

consider the demand of the employees expeditiously. In Kolkata Bench of the Central Administrative Tribunal O.A. 115 of 2001 was also filed by the Calcutta Mint Workers Union to the same effect. In this O.A. also the Calcutta Bench of the Central Administrative Tribunal directed the Department of Expenditure to take decision and communicate the same to the Applicant within three months vide order dated 8th February, 2001. Thus it is explicit that the unions themselves wanted the implementation of the agreement/settlement arrived at between the India Government Mint and the members of the steering committee of unions/associations.

31. In above set of facts and circumstances, where the unions through their steering committee have themselves come to the terms of settlement and agreed for implementation of the minutes of meeting held on 15th April, 1998, whether notice under Section 9A of the Act of 1947 was still required? Section 9A of the Act of 1947 categorically says that no notice shall be required for effecting any change in condition of service where the change is effected in pursuance with any settlement or award. From the above discussion it is clear that the members of the steering committee of unions/associations had come to terms in the meeting of 15th April, 1998 that the three Mints at Kolkata, Hyderabad and Mumbai will function for 44 hours per week as normal working hours as recommended by Fifth Pay Commission. It was agreed that the revised pay scales recommended by the Pay Commission will be allowed to the workers/employees from 01.01.1996 after they start 44 hours normal working per week. The witnesses examined on behalf of the unions have admitted that the unions agreed for implementation of the 5th Pay Commission report which was recorded in form of a minutes of a meeting. WW-04, Shri K. Dasavaranam has named it as tripartite settlement. Not only this, in meeting held on 5th May, 1998 it was again reiterated that the minutes of meeting of 15th April, 1998 would be implemented. The implementation of minutes of meeting held on 15th April, 1998 was also reiterated in meeting between Mumbai Mint and Bombay Mint Employees Federation held on 5th May, 1998 during conciliation proceedings. Some of the unions had also gone to the extent of moving to Central Administrative Tribunal for issue of direction to implement the minutes of meeting dated 15.04.1998. Thus, in view of above agreement/settlement it is obvious that notice of change in working hours was not required as provided in Section 9A of the Act of 1947.

32. Admittedly after direction issued by the Central Administrative tribunal, Hyderabad and also that of Kolkata the Department of Economic Affairs communicated its decision refusing to pay 19% compensation for increased working hours.

Promissory Estoppel

33. The learned counsels for the unions have also taken the point of doctrine of promissory estoppel against the India Government Mint. It has been submitted by the learned counsels for the unions that appeal from the Hon'ble High Court was withdrawn on the basis of agreement entered into by and between the parties whereby it was assured that the claim for 19% compensation would be for "favourable consideration" which cannot be treated a stray assurance or assurance given in a casual manner. The principles of promissory estoppel is applicable where one party by words or conduct made to the other a clear or unequivocal promise which intended to create a legal relation or affect a legal relationship to arise in future knowing or intending that it would be acted upon by the other party to whom the promise is made and it is, in fact, was acted upon by the other party. In that case promise would be binding on the party making it and he would not be entitled to go back on it. Applying the above principles to the facts of the instant case, it appears that the promise as incorporated in minutes of meeting dated 15.04.1998 was made by the India Government Mint only to place the demand of 19% compensation before the Department of expenditure. There was no assurance by the India Government Mint to grant above compensation and the unions had also agreed to this. Placing of demand of 19% compensation to the Department of Expenditure for "favourable consideration" implies only that final authority to decide or accept the demand lies with the Department of Expenditure. Such promise is no promise of acceptance of demand. Hence principle of 'Promissory Estoppel' does not apply.

34. Learned counsels for the unions have also submitted that in grant of overtime, Central Administrative Tribunal, Kolkata had refused to change the devisor and upheld the devisor of 192 as applied by the management, but the Hon'ble High Court at Calcutta set aside the order passed by the Tribunal and held that devisor would be 191 instead of 192. The decision of the Hon'ble High Court was challenged before the Hon'ble Apex Court by way of Special Leave Petition which was dismissed by the Hon'ble Apex Court, but this argument of the learned counsels for the unions has no reflection on increase of working hours or on grant of compensation. The devisor was applied treating the normal working hours as 44 hours a week. However, the judgment is applicable in the matter of grant of quantum of overtime and it has nothing to do with the matter in controversy in the present case. Merely because the workmen are required to work 17.73 hours of extra work due to implementation of 5th Pay Commission report the workmen cannot be said to be entitled to 19% compensation in view of the fact of the agreement entered into between the management and the unions on 15.04.1998.

36. Thus, it is concluded that the workmen of India Government Mint represented by the unions are not entitled for 19% compensation on account of increase in working hours from 37½ to 44 hours per week and the decision of the management of India Government of Mint in not granting 19% compensation for the increased working hours from 37½ to 44 hours per week (as per recommendation of the Fifth Pay Commission) is just and legal. The workmen are not entitled to any relief.

37. Award is passed accordingly.

Dated, Kolkata,
The 30th July, 2020

Justice RAVINDRA NATH MISHRA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स इंडस टावर्स लिमिटेड, कोलाकाता और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलाकाता के पंचाट (संदर्भ संख्या 55/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 24.03.20 को प्राप्त हुए थे।

[सं. एल-42025/07/2020-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 780.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2014) of the Central Government Industrial-Tribunal-cum Labour Court Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to The Indus Towers Limited, Kolkata, & Others, and their workmen which were received by the Central Government on 24.03.20.

[No. L-42025/07/2020-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 55 of 2014

Parties: Employers in relation to the management of M/s. Indus Towers Limited

AND

Their workmen

Present: Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : Mr. R. De, learned counsel

On behalf of the Workmen : None

State: West Bengal.

Industry: Telecommunication

Dated: 16th March, 2020

ORDER

By Order No. L-42011/53/2014-IR(DU) dated 04.07.2014 and corrigendums of even number dated 07.08.2014 and 22.04.2015 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s Quantum Global Infrastructure (P) Ltd., a vendor/service provide under Indus Towers Ltd. Over the issue of alleged illegal termination of services of 116 security guards w.e.f. 2011 is legal justified? If not, what relief the workmen are entitled to?”

2. After the above order of reference, notices were issued to all the concerned parties and all of them appeared by filing their respective letter of authority/vakalatnama. Only Purba Medinipur Zela Security Service & Allied Workers Union, however, filed its statement of claims and M/s. Indus Towers Ltd. filed its written statement in reply. Both the unions and also M/s. Quantum Global Infrastructure (P) Ltd. are found absent since 07.11.2019. Opportunity of adducing evidence was given to the unions, but they remained absent 14.01.2020. Opportunity of adducing evidence was also given to M/s. Indus Towers Limited, but its learned counsel submitted on 11.03.2020 that in the wake of no evidence being led by the union, they close their evidence.

4. Union did not file any evidence to support the claim of the workmen. As documentary evidence the union has filed several documents, but in absence of oral evidence the above documents which are merely photo copies and prepared on loose papers, they cannot be admitted in evidence to support the claim of the two workmen.

5. From the pleadings of the union it appears that 116 workmen were verbally terminated by the contractor M/s. Quantum Global Infrastructure (P) Ltd. on the instruction of the principal employer, M/s. Indus Towers Ltd. on different dates. Thus it is a case of ‘retrenchment’ under Section 2(oo) of the Industrial Disputes Act, 1947. In these circumstances for the compliance of the provisions of Section 25F of the Act, it is obligatory on the part of the union to show that 116 workmen concerned worked for more than 240 days in a year preceding the date of their termination. But, there is nothing on record to show that they worked for 240 days preceding the date of their termination. Therefore, compliance of provisions of Section 25F of the Industrial Disputes Act, 1947 does not arise.

6. In view of above, I come to the conclusion that there is no merit in the claims submitted by the union for the 116 workmen concerned. Therefore, they are not entitled for any relief.

7. Award is passed accordingly.

Dated, Kolkata, The 16th March, 2020

Justice RAVINDRA NATH MISHRA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स हिंदुस्तान शिपयार्ड लिमिटेड, गांधीग्राम, विशाखापत्तनम हैदराबाद और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद-1 के पंचाट (संदर्भ संख्या 10/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2020 को प्राप्त हुए थे।

[सं. एल-14011/26/2016-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 781.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2017) of the Central Government Industrial-Tribunal-cum Labour Court Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to The General Manager, Hindustan Shipyard Ltd, Gandhigram, Visakhapatnam Hyderabad, & Others, and their workmen which were received by the Central Government on 06.08.2020.

[No. L-14011/26/2016-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Sri Muralidhar Pradhan, Presiding Officer

Dated the 2nd day of March, 2020

INDUSTRIAL DISPUTE No. 10/2017

Between:

The General Secretary,
Shipyard Contract Labour Union,
CITU office, D. No.61-4-19/A, Malkapuram,
Visakhapatnam – 521175.

...Petitioner

AND

1. The General Manager,
Hindustan Shipyard Ltd.,
Gandhigram,
Visakhapatnam -530 005.
2. The Sr. Manager,
M/s. Hawk Security Services Ltd.,
Prince Apartment No.8, D.No.9-19-9/1/2,
First Floor, CBM Compound,
Visakhapatnam (A.P.)-53000

...Respondents

Appearances:

For the Petitioner : M/s. P. Venkata Narayana, T. Viswanadha Rao & B. Karunakar, Advocates

For the Respondents : M/s. Saibaba & Srinivas, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-14011/26/2016-IR(DU) dated 22.3.2017/27/3/2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Unitech Machine Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of management of M/s. Hawk Security Services Ltd., Contractor of Hindustan Shipyard Ltd., Visakhapatnam in terminating the services of Sri Ch. Surya Rao, Ex-Security Guard is legal and/or justified? If not, what relief the workman is entitled to?”

On receipt of the reference it is numbered in this Tribunal as I.D. No. 10/2017 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner Union.
3. In spite of repeated calls, the Petitioner union did not turn up. Several opportunities have been given to the Petitioner Workman/Union to attend the court to prosecute the case. But the Petitioner workman/union failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner workman/union has already been settled and the Petitioner Union has got nothing to raise any claim against the Respondent. Hence, the case of the Petitioner workman/Union is closed and a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 2nd day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 782—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स उप निदेशक, रीजनल कॉफी रिसर्च स्टेशन, नरसीपट्टनम, विशाखापत्तनम, हैदराबाद और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद -1 के पंचाट (संदर्भ संख्या 205/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2020 को प्राप्त हुए थे।

[सं. एल-42012/107/2014-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 782.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 205/2014) of the Central Government Industrial-Tribunal cum-Labour Court Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Deputy Director, Regional Coffee Research Station, Narsipatnam, Visakhapatnam, Hyderabad, & Others, and their workmen which were received by the Central Government on 06.08.2020.

[No. L-42012/107/2014-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT AT HYDERABAD

Present: Sri Muralidhar Pradhan, Presiding Officer

Dated the 18th day of February, 2020

INDUSTRIAL DISPUTE No. 205/2014

Between:

Sri V. Mahendran,
S/o Vellaswamy,
Yerravaram Village, G.K. Veedhi (Mandal),
Visakhapatnam (A.P.)

...Petitioner

AND

1. The Deputy Director,
Regional Coffee Research Station,
P.B. Palli, R.V. Nagar,
Narsipatnam, Visakhapatnam -531116.
2. The Director of Research,
Central Coffee Research Institute,
Coffee Research Station, Coffee Board,
Chikmanglur Dist.
Karnataka – 577117.

... Respondents

Appearances:

For the Petitioner : M/s. K.Venkateswarlu & T. Sridhar, Advocates

For the Respondent : M/s. M.S.Srinivasa Iyengar, Hirendermath & G. Narender Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No.L-42012/107/2014-IR(DU) dated 9.9.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Regional Coffee Research Station and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Deputy Director (Research), Regional Coffee Research Station, P.B. Palli, Narasipatnam, Visakhapatnam District/Director of Research, Central Coffee Research Institute, Coffee research station, Coffee Board, Chikmanglur, Karnataka in terminating the services of Shri V. Mahendran, Ex Regular Mazdoor is legal and justified? If not, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 205/2014 and notices were issued to the parties concerned.

2. Petitioner has filed claim statement and documents. Respondents did not file counter and documents though several opportunities have been given. As such, Respondents were set ex-parte. The case stands posted for Petitioner’s evidence.

3. In spite of service of notices, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that perhaps the Petitioner is not interested to prosecute his case and perhaps the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 18th day of February, 2020.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स मुख्य महाप्रबंधक, भारत संचार निगम लिमिटेड, हैदराबाद और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद -1 के पंचाट (संदर्भ संख्या 117/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.08.2020 को प्राप्त हुए थे।

[सं. एल-42025/07/2020-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 783.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 117/2007) of the Central Government Industrial-Tribunal cum-Labour Court Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief General Manager, Bharat Sanchar Nigam Ltd., Hyderabad & Others, and their workmen which were received by the Central Government on 06.08.2020.

[No. L-42025/07/2020-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** Sri MURALIDHAR PRADHAN, Presiding OfficerDated the 8th day of July, 2020**INDUSTRIAL DISPUTE L.C. No. 117/2007****Between:**

Sri Khaja Aneesuddin,
S/o Khaja Mohiuddin,
R/o 5-4-240, Gunj Street,
Jagityal, Karimnagar district.

...Petitioner

AND

1. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
A.P. Circle, Abids, Hyderabad.
2. The General Manager,
Bharat Sanchar Nigam Ltd.,
Karimnagar.
3. The Sub Divisional Officer,
Bharat Sanchar Nigam Ltd.,
Jagityal Sub Division, Jagityal,
Karimnagar.

...Respondents

Appearances:

For the Petitioner : Sri M.V. Praveen Kumar, Advocate

For the Respondent : Sri M.C. Jacob, Advocate

AWARD

Sri Khaja Aneesuddin, the Petitioner who worked as Mazdoor in the Respondent's organization has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Bharat Sanchar Nigam Ltd., seeking for declaring the oral termination order dated 15.7.1991 passed by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made by the Petitioner in the claim petition are:**

Initially the Petitioner was engaged as a casual mazdoor in the month of September, 1986 under Respondent No.3 and was engaged between September, 1986 and 15.7.1991 with artificial breaks and thereafter his services were orally terminated without further engagement. It is stated that initially the appointment of the Petitioner in the month of September, 1986 was in A.P. Telecom which was subsequently privatized/changed as Bharat Sanchar Nigam Limited. It is further stated that when the Petitioner was terminated from service, he made several representations to the Respondents for his reengagement. As the Respondents did not pay any heed to the representation of the Petitioner he was compelled to file OA No.881/1995 before the Hon'ble Central Administrative Tribunal for a declaration that he is entitled for re-engagement as per CGM AP Telecom Proc. No.TA/RE/20-1/Rigs/Corr., dated 22.2.1993 as casual mazdoor under the control of the Respondents by holding the action of the Respondents in not re-engaging him as illegal. The Hon'ble Central Administrative Tribunal has disposed of the above OA on 9.8.1995 with the following directions:

"In view of what is stated by the applicant, it has to be presumed that he had gained some experience in the work in the Telecom Department. So, it is in the interest of the applicant, if he is engaged in preference to a fresher whenever there is work. If the applicant is going to be engaged in pursuance of this order, none shall be retrenched who are already in service."

It is further submitted that when the Respondents did not implement the order of the Hon'ble Central Administrative Tribunal, the Petitioner approached the Hon'ble High Court by filing WP No.17397 of 2000 for declaring the action of the Respondents in not implementing the order of the Hon'ble Central Administrative Tribunal passed in OA No.881/1995 dated 9.8.1995 as illegal and arbitrary and consequently directed the Respondents to implement the order of the Hon'ble Central Administrative Tribunal, Hyderabad by reinstating the Petitioner with all consequential benefits. The Hon'ble High Court after hearing the Petitioner was pleased to dismiss the above WP on 18.1.2001 with the following direction:

"Having regard to the decision of the Apex Court in L. Chandra Kumar Vs. Union of India, AIR 1997 SC 1125 in our opinion, this Writ Application is not maintainable as the Petitioner can file appropriate application before the Learned Tribunal...."

In view of the above direction of the Hon'ble High Court, the Petitioner filed MA No. 129/2002, in OA No.881/1995 for implementation of the order of Hon'ble Central Administrative Tribunal dated 9.8.1995, however, the Hon'ble Central Administrative Tribunal has passed the following directions:

"In the reply statement, the Respondents submitted that the orders of this Tribunal was to engage the applicant in preference to freshers whenever there is work. If such a contingency arises, two conditions namely (1) availability of work, and (2) the need of the Respondents organization to engage any person shall arise, then only need for implementation of Judgement arises...."

It is stated that in view of the above order passed by the Hon'ble Central Administrative Tribunal the Petitioner has approached the Respondents time and again requesting to permit him to work as Mazdoor in the department on par with persons on par with him and also subsequent to him and are continuing. It is further submitted that the Director General of Telecom, New Delhi issued various Circulars including Lr. No. 269-10/89/STN, dated 7.11.1989 wherein at para 6, it has been provided that temporary status would entitle the casual labourers to the following benefits:

1. Wages at daily wages with reference to the minimum of the pay scale for regular Group-D official including DA, HRA, and CCA.
2. Benefits in respect of increments in Pay Scale will be admissible for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative days and observing 5 day week) in the year.
3. Leave entitlement will be on prorata basis, 1 day for every 10 days of work. Casual Leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave

entitlement on their regularization. They will not be entitled to the benefit of encashment of leave on termination of services for any reason of their fit in service.

4. Counting of 50% of service rendered under the temporary status for the purpose of retirement benefits after their regularization.
5. After rendering 3 years continuous service on attainment of temporary status, the casual labourers would be treated on par with temporary Group D Employees for the purpose of contribution to General Provident Fund, and would also further be eligible for grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group-D Employees, provided they furnish the sureties from permanent Government servants of this Department.
6. Until they are regularized they are entitled for productivity linked bonus only at the rates as applicable to casual labour.

It is further submitted that the Department of Telecommunication in continuation of the above orders, reiterated the above provision by various other orders dated 12.2.1999, for sanction of posts of regular mazdoors for regularization of temporary status casual mazdoors, regularization of casual mazdoors no.269-94/98-STN-II, dated 29.9.2000 and also No.269-13/99-STN II, dated 25.8.2000. It is also stated that the Petitioner has been appointed as temporary mazdoor in September, 1986 and however not re-engaged inspite of directions of the Hon'ble Tribunal and also circulars of the Department time and again, the Petitioner is entitled for reinstatement with all consequential benefits such as continuity of service, regularization of service etc. Therefore, the action of the Respondents in terminating the services of the Petitioner is illegal, arbitrary and in violation of section 25 of the Industrial Disputes Act, 1947 as no notice was issued prior to the termination of his services. The Petitioner stated that since the date of his termination he remained unemployed and could not secure any alternative employment inspite of his best efforts resulting in distress and untold misery and hardship. The Respondents have taken the following persons who are similarly situated like him into work, namely, S/Sri K. Peddanna (ID No.45/90), S. Hanumanthu (ID No.30/96), K. Nageshwar (ID No.40/96), V. Goverdhanachari (ID No.41/96) and V. Srinivas Rao (ID No.39/96) wherein the Petitioner has been discriminated by not giving similar treatment, which is also violative of article No.14 and 15 in addition to the violation of section 25 of the Industrial Disputes Act, 1947. With the above averments, the Petitioner prayed to direct the Respondents to reinstate him into service as Mazdoor with all consequential benefits by holding the action of the Respondents in terminating the services of the Petitioner orally from 15.7.1991 without issuing any notice as illegal, arbitrary, unjust and violative of the principles of natural justice and also contrary to section 25F of the Industrial Disputes Act, 1947 and pass such other order or orders as this court may deem fit and proper.

3. **The Respondent filed counter with the averments in brief as follows:**

In their counter the Respondents while admitting some of the facts made in the claim statement have also challenged the claim of the Petitioner stating therein that the Petitioner has filed OA No.881/95 before the Hon'ble Central Administrative Tribunal seeking the relief of reinstatement with continuity of service and other attendant benefits. The Hon'ble Central Administrative Tribunal disposed of the said OA by an order dated 9.8.95 with a direction to the 2nd Respondent to reinstate the applicant as casual mazdoor in preference to freshers whenever there is work. If the applicant is going to be engaged in pursuance of the orders of Hon'ble Central Administrative Tribunal, none shall be retrenched who are already in service. It is stated that the subject matter and the facts in OA No.881/95 filed before the Hon'ble Central Administrative Tribunal and the present dispute in LC No.117/2007 filed before this Tribunal and the relief sought for by the Petitioner is one and the same in both the cases. The Hon'ble Central Administrative Tribunal has already decided the above dispute of the Petitioner by an order dated 9.8.95. Therefore, principles of resjudicata applies to the present case filed by the Petitioner. The Respondents also stated that without causing prejudice to the above contentions, it is further submitted that the Petitioner was appointed as a casual mazdoor in September, 1986 under the control of Respondent No.3 and was engaged as and when work is available in the telecom Department and also after completion of work the Petitioner was disengaged. It is submitted that if the order passed by the Hon'ble Central Administrative Tribunal in OA No.881/95 will be carried out and the Petitioner is going to be engaged in pursuance of the above order, none shall be retrenched who are already in service. It is also submitted that since the Petitioner has not been engaged in service and has not worked under the Respondents, he is not entitled to get any benefit including relief of consequential benefits and other terms and conditions including the circular Lt.No.269-10/89/STN dated 7.11.1989 on par with regular employees of the Department does not arise.

The claim of the Petitioner that the Respondents have not implemented the orders of the Hon'ble Central Administrative Tribunal and the action of the Respondents' management is illegal, arbitrary and it is not proper. It is further submitted that the Petitioner is not in service of the Respondents' organization in the year 1999 and subsequently also. The Hon'ble Central Administrative Tribunal in OA No.881/1995 categorically directed to engage the Petitioner in preference to fresher whenever there is work in the Telecom Department and further passed order that if the Petitioner is going to be engaged in pursuance of this order, none shall be retrenched who are already in service. It is further submitted that as the Petitioner is not engaged till this date, the question of application of existing terms and conditions of regular employees of the Telecom Department does not arise. Since the Petitioner was not in service, the question of the provisions of Industrial Disputes Act, including section 25 of the Act does not arise. The Petitioner cannot claim the benefit on par with the other employees of the Telecom Department since he has not been engaged, and with these averments, the Respondents submitted for dismissal of the claim petition.

4. During the course of hearing of this case, the Petitioner has been examined himself as WW1 and also relied on 6 documents in support of his claim, which have been marked as Exs.W1 to W6. On the other hand, the Respondents have examined Sri G. Subhash, Asst. General Manager(Admn.) of the Respondents' management as MW1 and also relied on 8 documents which have been marked as Exs.M1 to M8.

5. In view of the facts stated above, the points for determination of this case are as follows:

- I. Whether the action of the Respondents' management in terminating the services of the Petitioner is illegal, arbitrary and in violation of the principles of natural justice?
- II. Whether the Petitioner is entitled to be reinstated into service as Mazdoor with all consequential benefits and to what other relief the Petitioner is entitled?
- III. Whether the case is barred by the principles of res judicata?

7. I have already heard the Learned Counsels for both the sides and also perused the evidence adduced so far.

8. **Point No.I:** During the course of argument, the Learned Counsel for the Petitioner contended that initially the Petitioner was engaged as a casual mazdoor in the month of September, 1986 under Respondent No.3 and he was engaged in between September, 1986 and 15.7.1991 with artificial breaks and thereafter the services of the Petitioner were orally terminated without further engagement. The Petitioner prayed the Respondent authority to reinstate him into service. But the Respondent did not reinstate him. He made several representations to the Respondents but it was in vain. Thereafter, the Petitioner was compelled to file OA No.881/1995 before the Hon'ble Central Administrative Tribunal for a declaration that he is entitled for re-engagement as per CGM AP Telecom Proc. No.TA/RE/20-1/Rigs/Corr., dated 22.2.1993 as casual mazdoor under the control of the Respondents by holding the action of the Respondents in not re-engaging him as illegal. The Hon'ble Central Administrative Tribunal has disposed of the above OA on 9.8.1995 directing the Respondents to engage the Petitioner in preference to freshers whenever there is work. Even after passing of this order, when the Respondents did not engage the Petitioner into service, the Petitioner filed writ petition No.17397/2000 wherein the Hon'ble High Court dismissed the application as it was not maintainable. Again the Petitioner filed M.A. No.129/2002 in OA No.881/1995 for implementation of the orders passed in OA No. 881/1995. Again the Hon'ble Central Administrative Tribunal passed order directing the Respondents to reinstate the Petitioner into service subject to availability of work and to the need of the Respondents' organization to engage any person when vacancy arises, then only need for implementation of judgement arises. In spite of the order of the Hon'ble Central Administrative Tribunal, the Respondents did not reinstate the Petitioner into service and on this ground the case is not barred by the principles of res-judi-cata. On the other hand the Learned Counsel appearing on behalf of the Respondent submitted that admittedly, the Petitioner has taken shelter in the Hon'ble Central Administrative Tribunal by filing OA No.881/1995 on this subject matter and the facts in OA 881/1995 filed before the Hon'ble Central Administrative Tribunal and the present dispute in this LC 117/2007 filed before this Tribunal and the relief sought by him in both the cases is one and the same. He further contended that in this case the workman has been examined himself as WW1, and is cross examined in both the cases. He admitted that this case and OA NO.881/1995 are against the same termination order. The OA order is passed directing this Respondents to reinstate the Petitioner into service in preference to freshers subject to availability of work. He contended that the relief sought for in the present case has already been decided by the Hon'ble Central Administrative Tribunal. When one court has already decided the same matter, no court shall decide the same dispute when the same has already been decided by a competent court. The Petitioner is estopped to agitate the above issue before this court and the relief sought for in the present case is hit by the principles of res judi cata. In fact, as per the admission of the Petitioner he has approached the Hon'ble Central Administrative Tribunal challenging his termination order dated 15.7.1991 and in this case the

Petitioner has also challenged the same order with the same prayer and this dispute has already been decided by the Hon'ble Central Administrative Tribunal directing the Respondents to engage the Petitioner into service in preference to freshers whenever there is work and if the applicant is going to be engaged in pursuance of this order none shall be retrenched who are already in service. Even the Respondents filed M.A.1/2002 in the same OA 881/1995, challenging the order passed by the Hon'ble Central Administrative Tribunal dated 9.8.1998, the Hon'ble Central Administrative Tribunal also passed the same order directing the Respondents to provide job to the Petitioner subject to availability of work, and the Respondents have not denied to provide any work to the Petitioner as yet. When the same dispute has already been decided by another forum, the present case is barred by the principles of res-judi-cata.

Thus, Point No.I is answered accordingly against the Petitioner.

9. **Point Nos.:II & III:** Both the points are taken up together for convenient discussion as the same rise to the same facts and laws involved. The Learned Counsel appearing on behalf of the Petitioner contended that the Petitioner was initially engaged as a casual mazdoor from the month of September, 1986 to 15.7.1991 with artificial breaks and thereafter his services were orally terminated without further engagement. He also submitted that the Petitioner's appointment was in the month of September, 1986 and he has worked for more than 240 days in a year from the month of September, 1986 to 15.7.1991. But all of a sudden the Respondents terminated him orally which is illegal and violative of the principles of natural justice. The Petitioner was not served any notice nor paid any notice pay nor retrenchment compensation on his termination. The Respondents are liable to pay the same. WW1 in his evidence has also supported the averments made by him in his chief evidence affidavit. But in his cross examination WW1 has admitted that there is no document with him to show that he has worked for 240 days continuously in a year. He further admitted that he has not mentioned the names of the persons who have been engaged after the order of the Hon'ble Central Administrative Tribunal, in his claim statement. He also admitted that he has not been regularized in his post by the Respondents. The admission of WW1 clearly indicates that there is no document with him to show that he has worked for 240 days continuously in a year. In his examination in chief WW1 has also admitted that he worked from September, 1986 to 15.7.1991 with artificial breaks. The admission of the workman (WW1) clearly indicates that he has not worked 240 days continuously in a year. Similarly, the Learned Counsel for the Respondents contended that when the workman has not worked continuously 240 days in a calendar year, he is not entitled either notice or notice pay before his termination, and the provision of Section 25 F of the Industrial Disputes Act, 1947 is not applicable in the case of the present Petitioner. Similarly WW1 in his evidence has admitted that the Petitioner was appointed as a casual mazdoor from the year 1986 -1991 with breaks. He denied the suggestion of the Respondents that the Petitioner has worked for more than 240 days in a calendar year under the Respondents. He also admitted that as the Respondents have not engaged no one since 1991, the workman was not engaged. He further denied the suggestion of the Petitioner to the effect that the Respondents have illegally terminated the service of the Petitioner without following the procedures contained in the Industrial Disputes Act, 1947. In fact, the workman was engaged as a casual labour under the Respondents from the month of September, 1986 till 15.7.1991 intermittently. He has not worked 240 days continuously in a year. He has been terminated orally by the Respondents. The Respondents have agreed to carry out the order of the Hon'ble Central Administrative Tribunal subject to availability of work. Since no work has been arisen, the Respondents have not complied the order of the Hon'ble Central Administrative Tribunal as yet. Since the workman has not worked continuously for more than 240 days in a year and has been terminated orally and the Respondents have agreed to provide job as and when vacancy will arise, the termination of the Petitioner is not illegal and the Petitioner is not entitled to get any other relief as sought for except the prayer for re-engagement when there will be a vacancy. On consideration of the evidence adduced from both the sides it can safely be held that the Petitioner is not entitled to get any relief as claimed for except the relief of re-engagement in service.

Thus, Point Nos.II & III are answered accordingly.

10. In view of the findings given in the above issues, it can safely be held that the Petitioner is only entitled to get the relief which has already been given by the Hon'ble Central Administrative Tribunal and is not entitled to get any other relief. Hence, the order.

ORDER

The management of the Respondents are directed to carry out the order of the Hon'ble Central Administrative Tribunal passed in OA No.881/1995 which has already been communicated to them within a period of four months subject to availability of work/vacancy.

Award is passed accordingly. Transmit.

Dictated to Smt. P Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 8th day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

WW1: Sri Khaja Aneesuddin

Witnesses examined for the
Respondent

MW1: Sri G. Subhash

Documents marked for the Petitioner

- Ex.W1: Photostat copy of Lr.No.269-10/89-STN, dt:7.11.1989 issued by DG Telecom, New Delhi
- Ex.W2: Photostat copy of Proceedings of Asst. Director General (STM), Dt.12.2.1999, issued by the Department of Telecom
- Ex.W3: Photostat copy of order passed in OA No.881/1995 dt:9/8/1995 by Hon'ble Central Administrative Tribunal
- Ex.W4: Photostat copy of certificate issued by the Department of Telecom, dt:7.4.1995 by the O/o Telecom District Engineer, Karimnagar.
- Ex.W5: Photostat copy of order passed in WP No.17397/2000 dt:18.1.2001
- Ex.W6: Photostat copy of representation of Petitioner dt.18.7.1998

Documents marked for the Respondent

- Ex.M1: Photostat copy of ban orders on engagement of casual labour dt.30.3.1985
- Ex.M2: Photostat copy of casual labourers (Grant of temporary status and regularization) Scheme, 1989
- Ex.M3: Photostat copy of Ban orders on casual labour recruitment dt.22.6.1988
- Ex.M4: Photostat copy of extension of casual labourers (Grant of temporary status and regularization) Scheme, 1989 dt:17.1.1993
- Ex.M5: Photostat copy of ban orders on recruitment / engagement of casual labourers
Dt:12.2.1999
- Ex.M6: Photostat copy of Hon'ble Central Administrative Tribunal orders in OA No.881/1995
- Ex.M7: Photostat copy of Hon'ble Supreme Court orders in Civil Appeal No.292/2009 in the case of BSNL vs.Teja Singh.

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स पंजीयक, आईआईटी रुड़की, उत्तराखंड और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली -1 के पंचाट (संदर्भ संख्या 172/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.07.2020 को प्राप्त हुए थे।

[सं. एल-42011/103/2012-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 172/2012) of the Central Government Industrial-Tribunal cum-Labour Court New Delhi -1 as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, IIT Roorkee, Uttarakhand & Others, and their workmen which were received by the Central Government on 01.07.2020.

[No. L-42011/103/2012-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 172/2012

Date of Passing Award- 17th January, 2020

Between:

Shri Kishan Lal,
S/o Kishori Lal,
General Secretary,
IIT Roorkee Karmchari Union,
IIT, Roorkee,
Haridwar.

... Claimant

Versus

The Registrar,
IIT Roorkee,
Uttarakhand.

...Management

Appearances:-

Shri Amit Sharma (A/R) : For the claimant

Shri Ravi Mishra (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Indian Institute of Technology, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-42011/103/2012 (IR(DU)) dated 07.12.2012 to this tribunal for adjudication to the following effect.

“Whether the action of the management of IIT Roorkee in not regularizing the workman Shri Kishan Lal, S/o Shri Kishori Lal, Helper despite rendering service for more than 22 years continuously is justified? If not, what relief the said workman is entitled to?”

As per the claim statement the claimant was appointed as a Helper/ (Gate Keeper) in the erstwhile University of Roorkee w.e.f November 1990. When he was working as such the name of the University of Roorkee was changed to IIT Roorkee but the workman continued to work as such. Though, the workman was repeatedly demanding regularization in service the management was not paying any heed to his request. After serving for more than 22 years continuously he approached the Labour Commissioner by raising a dispute. A conciliation proceeding was taken up. But the management did not agree to the proposal given by the conciliator and the conciliation since failed the appropriate government referred the matter to the tribunal for adjudication.

The management being noticed filed WS challenging the maintainability on the ground that IIT Roorkee is not an industry but an Educational Institution. Moreover the claimant was engaged on 01.10.90 on fixed term basis against a project and his employment was co-terminus with the project. However, his engagement was extended from time to time to meet the exigency of work. He being a fixed term contractual employee is not entitled to regularization. It has also been pleaded that the claimant and many persons in the

same footing through a union had raised dispute and went into agitation. For the intervention of the local administration the management and the union entered into one MOU dated 22.11.1994 according to which one Y-Pool of 361 workers was created and they were observed against regular vacancy on phased manner subject to their minimum essential qualification and being found suitable by the selection committee. The present workman could not qualify for regularization and as such he was not regularized though many persons from the Y-Pool have been regularized against permanent posts. Thereby the management claimed for dismissal of the claim petition.

On the rival pleading the parties agreed for adjudication of the matter as per the terms of reference. When the matter came up for evidence the workman though filed an affidavit did not come up to tender the affidavit evidence and to face the cross examination. The A/R for the claimant intimated on 17.10.2019 that the claimant has expired and his legal heirs are not coming forward to peruse the matter. In view of the circumstance the Ld. A/R for the management informed that no evidence will be adduced by the management.

Since, no evidence has been adduced by the claimant to substantiate his stand this tribunal is left with no other option then to answer the reference in negative against the claimant and pass a no claim award. Hence, ordered.

ORDER

The reference be and the same is answered against the claimant as he failed to substantiate the claim. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

17th January, 2020

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स टाटा कम्युनिकेशन लिमिटेड, नई दिल्ली और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली -1 के पंचाट (संदर्भ संख्या 71/2019) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.07.2020 को प्राप्त हुए थे।

[सं. एल-42011/06/2019-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 3rd September, 2020

S. O. 785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2019) of the Central Government Industrial-Tribunal cum-Labour Court New Delhi -1 as shown in the Annexure, in the Industrial dispute between the employers in relation to The TATA Communication Ltd. New Delhi, & Others, and their workmen which were received by the Central Government on 01.07.2020.

[No. L-42011/06/2019-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty

ID. NO. 71/19

Shri Anuj Kumar s/o Shri Shyam Trivedi,
Through the General Secretary, Delhi Plumber Allie,
1801/9, Gobind Puri Extension, Kalkaji,
New Delhi-110019.

... Workman

Versus

1. Ms. TATA Communication Ltd. GK-I,
Near Savrit Cinema, New Delhi.
Delhi-110065.

2. Walsons Services Private Limited,
A-367/368, Basant Building Sultanpur,
New Delhi-110030.

...Managements

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/6/2019(IR(DU)) dated 18.02.2019 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the services of the workman Shri. Anuj Kumar s/o Shri Shyam Sunder Trivedi have been terminated illegally and / or unjustifiably w.e.f 05.06.2017 by the management of M.s Tata communication Ltd. and Walsons Seviles Ltd? If yes, to what relief is the concerned workman entitled and what directions are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 18.02 020

Smt. PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2020

का.आ. 786—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स अधिशासी अभियंता, भारत संघ, फरीदाबाद और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली -1 के पंचाट (संदर्भ संख्या 110/1998) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.07.2020 को प्राप्त हुए थे।

[सं. एल-42012/30/1997-आईआर (डीयू)]

डी. के. हिमांशु, अवसर सचिव

New Delhi, the 3rd September, 2020

S. O. 786.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/1998) of the Central Government Industrial-Tribunal cum-Labour Court New Delhi -I as shown in the Annexure, in the Industrial dispute between the employers in relation to The Executive Engineer, Union Of India, Faridabad. & Others, and their workmen which were received by the Central Government on 01.07.2020.

[No. L-42012/30/1997-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 110/1998

Date of Passing Award- 14th January, 2020

Between:

Shri Ved Parkash,
S/o Shri Raghubir
R/o Village & Post
Office:- Sihol, Tehsil Palwal,
Distt. Faridabad- 121001

... Claimant

Versus

Union Of India
The Executive Engineer,
Faridabad Central Division-I,
CPWD, Old CGO Building,
Faridabad- 121001.

..Management

Appearances:-

None for the claimant (A/R) : For the claimant.

Shri Atul Bhardwaj (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of CPWD, Faridabad, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-42012/30/1997 (IR(DU)) dated 1.04.1998 to this tribunal for adjudication to the following effect.

“Whether the action of the management of CPWD, in terminating the service of Shri Ved Parkash- Enquiry Clerk w.e.f 11.02.1996 is legal and justified? If not, to what relief the workman is entitled to?”

As per the claim statement the claimant Shri Ved Parkash had joined the service of the management as Enquiry Clerk w.e.f 02.12.1992 and his initial place of posting was new Press Colony, Faridabad NIT. He was then transferred to the office of NH No. IV and he worked there till 10.02.1996. His last drawn monthly salary was Rs. 1200/- besides that salary he was never provided with other service benefits like leave encashment, over time, etc. the workmen was often making demand of the same. Being annoyed the management stopped his salary for the period 06.11.1995 to 10.02.1996. The claimant by a registered letter dated 19.02.1996 made a complaint about the same. Instead of redressing his grievance the management terminated his service w.e.f 11.02.1996 without assigning any reason. During such termination no charge sheet was served on him nor any domestic inquiry was conducted. The order of termination was arbitrary and amounts to unfair labour Practice for violation of the provision of 25-F of the ID Act. The claimant had completed continuous work for more than 240 days for the management during the preceding calendar year of the date of his termination. Since then the claimant is unemployed. Moreover, he is a physical handicapped person and finding no other way he had raised a dispute before the Labour Commissioner where conciliation was taken up. But the management remained

adamant and no desirous result could be achieved. The Appropriate Government then referred the matter to this tribunal for adjudication.

The management by filing WS took a stand that the entire claim is false. There never existed any relationship between the claimant and the management as the employee or employer. He might have been engaged by some contractor to whom works were awarded at different times for the purpose of execution of the said work. The allegation that he was appointed and transfer are all false. When the workman had raised a dispute before the labour commissioner the management was called upon to submit a reply. During that period the workman was served with a letter by the management asking him to produce documents like appointment order, transfer order, pay slip, etc. The workman could not produce the same. While denying the allegation of terminating the service of the workman the management has pleaded for dismissal of the claim.

On this rival pleading following points which are required to be determined are.

1. If the proceeding is maintainable.
2. If there exist any relationship of employer and employee between the management and the workman.
3. If the workman was illegally terminated from service and entitled to the relief prayed in the claim.

The claimant examined himself as WW1 and produce the documents which were marked in a series of WW1/1 to WW1/5. These documents include the copy of the dispatch register, containing the name of the workman and one copy of one attendance register. On behalf of the workman the copy of the demand notice has also been filed. But the management has denied the copy of the attendance register and the dispatch register though the admitted the demand notices. On behalf of the management one of its Executive Engineer Shri Inderjeet Yadav testified as MW1 and he also proved certain documents which have been marked in a series of MW1/1 to MW1/25. These documents include the copy of the contract awarded to different contractors the payment made to the said contractors and the reply submitted to the demand notice of the claimant. Due to the long absence of the claimant who was substituted by his legal heirs the witness could not be cross examined.

The deceased claimant in his claim statement has stated that he was working for the management w.e.f 02.12.1992 till 10.02.1996 and during this period he had completed 240 days of work in a calendar year. By rendering such work he was deserving to be given a temporary status of employee in the management. But the management without assigning any reason terminated his service illegally on 10.02.1996. He corroborated the same by giving oral evidence. During his oral evidence the claimant stated that he was initially appointed at New Press colony Faridabad NIT and then transferred to NH No. Office his monthly salary was Rs. 1200/-. During cross examination when he was asked about appointment letter, transfer letter etc., he fumbled. At one point of time he stated that the appointment letter and transfer letter though were received, he handed over the same to the officers of the management. He again stated that J.E Mukesh Tiwari used to make payment office salary. But could not produce any salary Slip etc. similarly when asked about the termination letter he failed to produce any document. The only documents filed by him are some copies of the attendance register and the dispatch register of the management. But the management has disputed the authenticity of the same since the said copies do not bear the seal and signature of any of the officials of the management. Hence it is held that the workman could not discharge the burden of proof to the effect that he was ever employed by the management, working under the supervision and control of the management, receiving salary from the management and his service was terminated by the said management. There being no evidence about termination of service by the management the allegation of the claimant that his service was illegally terminated without following the procedure of labour law seems unfounded. The claim advanced by the claimant is thus, answered in negative against him. Hence, ordered.

ORDER

The claim be and the same is dismissed. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

14th January, 2020

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 147/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/499/1999-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 787.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 147 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/499/1999-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 147/2000

Employer in relation to the management of P.B. Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 26.02.2020

AWARD

By Order No.L-20012/499/1999-IR(C-I) dated 01/03/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Rashtriya Colly. Mazdoor Sangh to regularize Sri Suresh Paswan as a Pump Operator with consequential benefits is proper and just? If so, to what relief is the workman entitled and from what date?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before the Tribunal. Thereafter again regd. notice was issued to both parties and the notice of concerned workman/union is returned with endorsement of “Addressee died”. Now the Case is pending since 13/05/2000 and there is a report that workman is dead. so, action is required in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 159/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/59/1995-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 788.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 159 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. Tisco Ltd., and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/59/1995-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947**Reference: No. 159/2000**

Employer in relation to the management of Block-II Area of M/s. TISCO Ltd.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 24.02.2020

AWARD

By Order No. L-20012 (59)/1995-C-I dated 13/03/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the National Coal Workers Congress for promotion of S/Shri A.K. Sen Gupta and Nanulal Singh to Cat-VI in Grade ‘B’ w.e.f. 12.07.1985 and to Grade ‘A’ thereafter, is as per Cadre Scheme, promotion policy of the Company, just and proper? If so, to what relief are the workmen entitled and from what date?”

2. After receipt of the reference, both parties were noticed and workman/union didn't appear before the Tribunal. Thereafter again regd. notice was issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 20/04/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 789.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 162/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/57/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 789.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 162 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/57/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 162/2000

Employer in relation to the management of Gopalichak Colliery of M/s. BCCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : Sri Ganesh Prasad. Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 26.02.2020

AWARD

By Order No. L-20012/57/2000 (C-I) dated 11/05/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Gopalichak Colliery of M/s. BCCL in superannuating Md. Suleman, Pump Khalasi w.e.f. 17.05.2000 by assuming his date of birth as 17.05.1940 is legal and justified? If not, to what relief the concerned workman is entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the workman left appearing before the Tribunal. Thereafter again regd. notice was issued to concerned union/workman and the notice returned with endorsement of “Addressee not found”. Now the Case is pending since 22/05/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 790.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 164/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/139/1997-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 790.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 164 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/139/1997-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 164/2000

Employer in relation to the management of Bararee Colliery of M/s. BCCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri D.K. Verma. Advocate.

For the workman. : None.

State : Jharkhand.

Industry: Coal

Dated : 26.02 .2020

AWARD

By Order No.L-20012/139/1997-IR(C-I) dated 26/05/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Bararee Colliery in not accepting the resignation of Smt. Sabitri Devi under VRS is just and proper? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the union/workman left appearing before the Tribunal. Thereafter again regd. notice was issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 08/06/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 200/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/37/1998-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 791.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 200 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. CCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/37/1998-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 200/2000

Employer in relation to the management of Jarangdih Colliery of M/s. CCL .

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : Sri D.K. Verma. Advocate

For the workman : None

State : Jharkhand.

Industry:- Coal

Dated : 27.04.2020

AWARD

By Order No. L-20012/37/1998-IR(C-I) dated 12/07/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Jarangdih Colliery, C.C.L Ltd., P.O. Jarangdih, Distt. Bokaro in not correcting the date of birth as 29.12.1947 instead of 29.12.1937 in respect of Sri Gobind Mandal, Body Searcher and retiring him from the services w.e.f. 28.12.97 is correct and justified? If not, to what relief the workman is entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the union/workman left appearing before the Tribunal. Thereafter again regd. notice was issued to both the parties and on such notice Ld. Lawyer of management appeared but no one appeared on behalf of the workman/union. Now the Case is pending since 02/08/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 204/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/25/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 792.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 204 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/25/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 204/2000

Employer in relation to the management of Kusunda Colliery of M/S. B.C.C.L.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 29.05.2020

AWARD

By Order No. L-20012/25/2000(C-I) dated 24/07/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. BCCL, Kusunda Colliery in changing the date of birth of Sh. Chhota Kail Das from 1.6.45 to 1.6.40 is just and proper? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter regd. notices were issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 07/08/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SING, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 209/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/11/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 793.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 209 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/11/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 209/2000

Employer in relation to the management of Kusunda Colliery of M/S. B.C.C.L.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri D.K. Verma. Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 29.05.2020

AWARD

By Order No. L-20012/11/2000(C-I) dated 24/07/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या बस्ताकोला कोलियरी चांदमारी यूनिट मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन द्वारा कर्मकार श्री अशोक साव, श्री महाबीर रजबार, श्री भगीरथ रविदास तथा श्री भगवान पासवान को एस. डी. एल. ऑपरेटर के पद से हटा कर केवल मैन के पद पर वापिस भेजा जाना विधि एवं न्याय की दृष्टि से तर्क संगत, सही एवं उचित है? यदि नहीं तो उपरोक्त कर्मकार किन लाभों के हकदार है।”

2. After receipt of the reference, both parties were noticed but neither the union/ workman nor the management appeared before the Tribunal. However, the management has appeared in this case but the union/workman failed to appear. Now Case is pending since 07/08/2000 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost his interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 212/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/287/2001-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 794.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 212 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/287/2001-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 212/2001**

Employer in relation to the management of Sijua Area of M/s. BCCL.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri D.K. Verma. Advocate

For the workman. : Sri Pintu Mondal. Vice President

State : Jharkhand.

Industry:- Coal

Dated : 28.04.2020

AWARD

By Order No. L-20012/287/2001-IR(C-I) dated 21/09/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Sijua Area in not allowing Sh. Kuleshwar Bhuia to join duty at Bhalgora in terms of their letter dated 10/28.3.97 is justified? If not to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both the parties appeared for certain dates but subsequently workman left taking step in this case. Further in course of hearing of the case, the Vice President of Sponsoring Union Sri Pintu Mondal has informed that union is not interested in contesting the case. It is felt that the workman has lost its interest in this matter. Hence “No dispute” award is passed. communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 222/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/3/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 795.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 222 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/3/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 222/2000

Employer in relation to the management of Giridih Colliery of M/s. CCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri D.K. Verma. Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated: 29.05.2020

AWARD

By Order No.L-20012/3/2000 (C-I) dated 24/07/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Giridih Colliery of M/s. CCL in not giving pay protection in respect of S/Sri Sukhdeo Sao and 17 others (list enclosed) while converting them from P.R. to time rated cat. Is justified? If not, to what relief the concerned workmen are entitled?”

List of the workmen

1. Sukhdeo Sao (Piece rate Gr.III)

2. Arjun Das (Piece rate Gr. III)

3. Kamruddin Meah (Do)

4. Biswanath Rai (Do)

5. Hiranman Chamar (Do)

6. Girdhari Chamar (Do)

7. Jiblal Kumhar (Do)

8. Dayal Pasi (Do)

9. Puran Ram (Do)

10. Tahal Rajak (Do)

11. Amralli Meah (Do)

12. Jogeshwar Barhi (Do)

13. Mohammad Meah (Do)

14. Banshi Das (Do)

15. Md. Rauf (Do)

16. Hadish Ansari (Do)

17. Akhtar Hussain (Do)

18. Mahabir Gope (Do)

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the workman/union left appearing before the Tribunal. Now the Case is pending since 07/08/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 796.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 254/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/79/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 796.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 254 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/79/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 254/2000**

Employer in relation to the management of Ram Kanali Colliery of M/S. B.C.C.L.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer.**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated :29.05.2020

AWARD

By Order No. L-20012/79/2000(C-I) dated 07/09/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Ram Kanali Colliery of M/s. BCCL in dismissing Sri Kamesh Kumar Bhuia from the services of the company w.e.f. 24.11.98 is justified and proper? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter again regd. notices were issued to both the parties but even then both the parties did not appear before the Tribunal. Now the Case is pending since 25/09/2000 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 278/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/161/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 797.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 278 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. CCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/161/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 278/2000

Employer in relation to the management of Govindpur Project of M/s. CCL .

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : Sri D.K. Verma. Advocate

For the workman : None

State : Jharkhand.

Industry:- Coal

Dated : 28.04.2020

AWARD

By Order No. L-20012/161/2000-IR(C-I) dated 18/09/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. Central Coalfield Limited, Govindpur Project, P.O. Kathara, Dist. Bokaro to dismiss Shri Gurujee Manjhi, workman from service is legal and justified? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both the parties left appearing before the Tribunal. Thereafter again regd. notice was issued to both the parties and the Ld. Lawyer of management appeared but no one appeared on behalf of the workman/union. Now the Case is pending since 03/10/2000 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 303/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/222/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 798.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 303 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. BCCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/222/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 303/2000

Employer in relation to the management of East Bhuggatdih Colliery of M/s. BCCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand.

Industry:- Coal

Dated : 27.04 .2020

AWARD

By Order No. L-20012/222/2000(C-I) dated 29/09/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या बी.सी.सी.एल., भगतडीह कोलियरी के प्रबंधन द्वारा श्री देओ शरण भुइया की सेवाएँ दि: 8.8.97 से समाप्त किया जाना विधिवित एवं न्याय संगत है? यदि नहीं तो क्या उनकी आश्रित पत्नी श्रीमति सिया देवी सहानुभूति आधार पर नियुक्त दिये जाने की पात्र हैं? यदि हाँ तो इस संबंध में क्या निर्देश आवश्यक हैं?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the workman left appearing before the Tribunal. Thereafter again regd. notice was issued to concerned union/workman and the notice returned with endorsement of “Insufficient Address”. Now the Case is pending since 09/10/2000 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2020

का. आ. 799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या 325/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-20012/218/2000-आईआर (सी-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 4th September, 2020

S. O. 799.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 325 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. CCL and their workmen, which was received by the Central Government on 31.08.2020.

[No. L-20012/218/2000-IR(C-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

Reference: No. 325/2000

Employer in relation to the management of Jarangdih Colliery of M/s. CCL.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri D.K. Verma. Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 28.04.2020

AWARD

By Order No. L-20012/218/2000(C-I) dated 25/10/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. CCL Jarangdih Colliery in terminating there services of Shri Etwari Ram on grounds of submitting false information for employment after putting in 17 years of service is just, proper and legal? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the workman left appearing before the Tribunal. Thereafter again regd. notice was issued to concerned union/workman and the said notice returned with endorsement of “Addressee not found”. Now the Case is pending since 21/11/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2020

का. आ. 800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय पंजाब नेशनल बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना (बिहार) के पंचाट (संदर्भ सं. 03 (सी)/2014) प्रकाशित करती है जो केन्द्रीय सरकार को 08.09.2020 को प्राप्त हुआ था।

[सं. एल-39025/01/2020-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 8th September, 2020

S. O. 800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 03(C) of 2014) of the Industrial Tribunal, PATNA (BIHAR) as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 08.09.2020.

[No. L-39025/01/2020-IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA****I.D. Case No. 03 (C) of 2014**

Between the management of (1) The Circle Head, Punjab National Bank, Gaya Circle Office, A.P.Colony, Gaya-823001 (2) The General Manager (personnel Administration Deptt.) Punjab National Bank Head Office, 7 Bhikaji Cama Place, Africa Avenue, New Delhi-110067 And Their workman Indrajeet Kumar, S/O- Late Basant Prasad, Vill.- Lattu Bagaicha, Chand Choura, P.S- Civil Lines, Gaya.

For the management : Sri Sanjeev Kumar.
Ms. Nivedita Sinha, Manager (HRD)

For the workman : Sri B. Prasad, General Secretary, Bank Employees Federation, Bihar.

Present : Vishweshwar Nath Mishra, Presiding Officer,
Industrial Tribunal, Patna.

AWARD**Patna, dt. 29th May, 2020**

1. The present case has been filed u/s 2A (1 & 2) of the Industrial Dispute (Amendment) Act, 2010 by the aforesaid workman who was terminated during the pendency of the conciliation proceedings seeking relief of reinstatement as a temporary part time sweeper in 1/3rd scale wages of a full time subordinate staff with back wages, payment of due wages for the period of his working.

2. Matter was raised by the workman before the Assistant Labour Commissioner (Central), Patna (for short A.L.C (C) Patna), who issued notice dt. 14.05.2012 to the parties vide file no.- 1/39/2012/ALC -1 ;.

3. As a period of more than 45 days elapsed with no sign of any settlement, the workman preferred an application before this tribunal as per the provisions of section 2A (1 & 2) of the Industrial Disputes (Amendment) Act, 2010.

4. The application was filed before this tribunal on 29.04.2014 and case was registered and notice were issued to the parties concerned for filing written statement. Management appeared before this tribunal and filed written statement. On behalf of the workman only one witness namely Indrajeet Kumar and on behalf of the management only two witnesses namely Kamlesh Prasad and Warish Minz were examined and exhibits were marked on behalf of the both sides and record was fixed for final argument.

5. In the instant case a petition has been filed on behalf of the management on 08.05.2019 stating therein that in view of the recent judgement of the Hon'ble Patna High Court passed in C.W.J.C No.- 2053 of 2016 on 22.11.2017 and confirmed in L.P.A No.- 1822 of 2017 on 17.05.2018 the present I.D. Case is not maintainable and hence the same should be rejected.

7. A petition has also been filed on behalf of the workman on 25.11.2019 praying theirin to withdraw the instant I.D. Case in view of the judgement of the Hon'ble Patna High Court withdraw the I.D. Case.

8. Heard both the parties.

9. Accordingly, In view of the petition dt-25.11.2019 filed by the workman, the instant I.D. Case is hereby disposed of as withdrawan and also being not maintainable in view of the aforesaid judgement of the Hon'ble Patna High Court. This award is effected after gazette notification / publication of award.

Accordingly, this is my award.

Dictated & Corrected by me.

29.05.2020

VISHWESHWAR NATH MISHRA, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2020

का. आ. 801.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना (बिहार) के पंचाट (संदर्भ सं. 16 (सी)/2018) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.09.2020 को प्राप्त हुआ था।

[सं. एल-12011/73/2018-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 8th September, 2020

S. O. 801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16(C) of 2018) of the Industrial Tribunal, PATNA (BIHAR) as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 08.09.2020.

[No. L-12011/73/2018-IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 16 (C) of 2018

Between the management of (1) The Circle Head, Punjab National Bank, Circle Office, G.M. Road, P.O- Lalbagh, Darbhanga-846004 (2) The Manager, Punjab National Bank, At & PO- Kamtaul, P.S - Kamtaul, Dist.- Madhubani- 847304 And Their workman Sri Mukesh Kumar Mahato, PTS represented through the President, Bank Employees Federation, Bihar, Saboo Republic Hotel, Patna, Bihar-800001.

For the management : Mrs Preeti, Dy Manager, HRD.

For the Workman : Sri B. Prasad, President, Bank Employees Federation, Bihar.

Present: Vishweshwar Nath Mishra, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated 28th February, 2020

By the adjudication order No.-L-12011/73/2018-IR(B-II) dated- 20.11.2018 the Govt. of India, Ministry of Labour, New Delhi has referred under clause (d) of sub-section-(1) and sub-section-(2A) of section-10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “ the Act”), the following dispute between (1) The Circle Head, Punjab National Bank, Circle Office, G.M. Road, P.O- Lalbagh, Darbhanga-846004 (2) The Manager, Punjab National Bank, At & PO- Kamtaul, P.S - Kamtaul, Dist.- Madhubani- 847304 And Their workman Sri Mukesh Kumar Mahato, PTS represented through the President, Bank Employees Federation, Bihar, Saboo Republic Hotel, Patna, Bihar-800001 for adjudication to this tribunal:-

SCHEDULE

“Whether the action of the management of Punjab NationalBank, is not regularizing service of Shri Mukesh Kumar Mahato, Part Time Sweeper working from 17.09.2014 at Kamtaul Branch, Distt. Madhubani and keeping him on daily wages since last 4 years, is justified? If not, to what relief the workman concerned is entitled to?”

2. After receipt of the reference/notification, notices were issued to the parties concerned through registered post. Both the parties appeared before this tribunal but did not filed any statement of claim and written statement.

3. In this case a petition has been filed on behalf of the workman Mukesh Kumar Mahato for withdrawing the dispute. It has been submitted by the learned representative of the workman that the during the pendency of the present dispute before this tribunal, recruitment process for filling the post of Part Time Sweeper was started by the management and the workman also participated in the aforesaid process and his name also appears in the list of candidates selected for appointment as a Part Time Sweeper. As such in the changed circumstances the workman does not want to contest the dispute and accordingly he prays for withdrawal of the case.

4. A petition has also been filed on behalf of the management annexing a petition filed by the workman Mukesh Kumar Mahato stating their in to withdraw the present case pending in this tribunal. The learned representative of the management submitted that in view of the petition filed by the workman the present reference case should be dismissed / closed.

5 In view of the aforesaid facts and the petition filed by the workman as well as the management, the present reference case is here by closed as there does not exist any only dispute between the concerned parties. Therefore, I pass “ No Dispute Award” in this case. This award is effected after date of publication and gazette.

This is my award accordingly.

Dictated & Corrected by me.

28.02.2020

VISHWESHWAR NATH MISHRA, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2020

का.आ. 802.—राष्ट्रपति, श्री पुणेन्दु कुमार श्रीवास्तव, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, जबलपुर को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, लखनऊ के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 05.09.2020 से छः माह तक अथवा नियमित पदाधिकारी की नियुक्ति तक अथवा अगले आदेशों तक, इनमे जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/02/2019-सीएलएस-II]

सतीश चन्दर, अवर सचिव

New Delhi, the 8th September, 2020

S.O. 802.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Lucknow entrusted to Shri Purnendu Kumar Srivastava, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jabalpur for a further period of six months with effect from 05.09.2020, or till the appointment of regular incumbent to the post, or until further orders, whichever is the earliest.

[No. A-11016/02/2019-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 8 सितम्बर, 2020

का.आ. 803.—राष्ट्रपति, श्रीमती प्रणिता मोहंती, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय सं. 2, दिल्ली को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, सं. 1, दिल्ली के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 11.09.2020 से छः माह तक अथवा नियमित पदाधिकारी की नियुक्ति तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/02/2019-सीएलएस-II]

सतीश चन्दर, अवर सचिव

New Delhi, the 8th September, 2020

S.O. 803.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Delhi entrusted to Smt. Pranita Mohanty, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.2, Delhi for a further period of six months with effect from 11.09.2020, or till the appointment of a regular incumbent to the post, or until further orders, whichever is the earliest.

[No. A-11016/02/2019-CLS-II]

SATISH CHANDER, Under Secy.